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Session laws.

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TERRITORY OF OKLAHOMA.

Session Laws of 1901.

**PASSED AT THE SIXTH REGULAR SESSION OF THE LEGISLATIVE
ASSEMBLY OF THE TERRITORY OF OKLAHOMA.**

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Authentication.

TERRITORY OF OKLAHOMA,
OFFICE OF THE SECRETARY OF THE TERRITORY, }
GUTHRIE, O. T.

I, William M. Jenkins, Secretary of the Territory of Oklahoma, do hereby certify that the printed Acts and Resolutions contained in this volume are true and correct copies of the enrolled laws and resolutions which were passed at the regular biennial session of the Legislative Assembly, begun on the 8th day of January, A. D., 1901, and concluded on the 8th day of March, A. D., 1901; and I further certify that all laws and resolutions contained in this volume, which, by their terms, were to take effect upon their publication, will take effect and be in force from and after the 8th day of April 1901; and I further certify that all the laws and resolutions herein contained which, by their terms, were to take effect upon their passage and approval, took effect from and after their respective dates annexed thereto in this volume.

Given under my hand and seal of office, this the 8th day of April, A. D., 1901.

[SEAL.]

WM. M. JENKINS,
Secretary of Oklahoma Territory.

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23	August T. Higgins.....	Alva.....	
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AN ACT to organize the Territory of Oklahoma—to establish courts in the Indian Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled:

SECTION 1. That all that portion of the United States now known as the Indian Territory (except so much of

Boundaries of Oklahoma Territory.

the same as is actually occupied by the five civilized tribes, and the Indian tribes within the Quapaw Indian agency, and except the unoccupied part of the Cherokee outlet), together with that portion of the United States known as the Public Land Strip, is hereby erected into a temporary government by the name of the Territory of Oklahoma. The portion of the Indian Territory included in said Territory of Oklahoma is bounded by a line drawn as follows: Commencing at a point where the ninety-eighth meridian crosses the Red river, thence by said meridian to the point where it crosses the Canadian river, thence along said river to the west line of the Seminole country, thence along said line to the north fork of the Canadian river, thence down said river to the west line of the Creek country, thence along said line to the northwest corner of the Creek country, thence along the north line of the Creek country to the ninety-sixth meridian, thence northward by said meridian to the southern boundary line of Kansas, thence west along said line to the Arkansas river, thence down said river to the north line of the land occupied by the Ponca tribe of Indians, from which point the line runs so as to include all the lands occupied by the Ponca, Tonkawa, Otoe and Missouri, and Pawnee tribes of Indians until it strikes the south line of the Cherokee outlet, which it follows westward to the [east] line of the state of Texas, thence by the boundary line of the state of Texas to the point of beginning; the Public Land Strip, which is included in said Territory of Oklahoma, is bounded east by the one hundredth meridian, south by Texas, west by New Mexico, north by Colorado and Kansas. Whenever the interest of the Cherokee Indians in the land known as the Cherokee outlet shall have been extinguished and the president shall make proclamation thereof, said outlet shall thereupon and without further legislation become a part of the Territory of Oklahoma. Any other lands within the Indian Territory not embraced within these boundaries shall hereafter become a part of the Territory of Oklahoma whenever the Indian nation or tribe owning such lands shall signify to the president of the United States in legal

manner its assent that such lands shall so become a part of said Territory of Oklahoma, and the president shall thereupon make proclamation to that effect. Congress may at any time hereafter change the boundaries of said territory, or attach any portion of the same to any other state or territory of the United States, without the consent of the inhabitants of the territory hereby created: *Provided*, That nothing in this act shall be construed to impair any right now pertaining to any Indians or Indian tribe in said territory under the laws, agreements and treaties of the United States, or to impair the rights of person or property pertaining to said Indians, or to affect the authority of the government of the United States to make any regulation or to make any law respecting said Indians, their lands, property or other rights which it would have been competent to make or enact if this act had not been passed.

Congress may
change bound-
aries.

SEC. 2. That the executive power of the Territory of Oklahoma shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the president of the United States. The governor shall reside within said Territory; shall be commander-in-chief of the militia thereof; he may grant pardons for offenses against the laws of said Territory, and reprieves for offenses against the laws of the United States, until the decision of the president can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of said Territory, and shall take care that the laws be faithfully executed.

Executive
power, in
whom vested.
Duties of gov-
ernor.

SEC. 3. That there shall be a secretary of said Territory, who shall reside therein and hold his office for four years, unless sooner removed by the president of the United States; he shall record and preserve all the laws and the proceedings of the legislative assembly hereinafter constituted, and all acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and journal of the legislative assembly, within thirty days after the end of each session thereof,

Duties of sec-
retary.

to the president of the United States and to the secretary of the interior, and, at the same time, two copies of the laws and journals of the legislative assembly to the speaker of the house of representatives and the president of the senate for the use of congress; and in case of the death, removal, resignation or other necessary absence of the governor from the Territory, the secretary shall execute all the powers and perform all the duties of the governor during such vacancy or absence, or until another governor is appointed and qualified.

Legislative power; qualification of legislators; term of office; duration of session.

SEC. 4. That the legislative power and authority of said Territory shall be vested in the governor and legislative assembly. The legislative assembly shall consist of a council and a house of representatives. The council shall consist of thirteen members, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The house of representatives shall consist of twenty-six members, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue two years; and the sessions of the legislative assembly shall be bi-ennial and shall be limited to sixty days' duration: *Provided, however,* That the duration of the first session of said legislative assembly may continue one hundred and twenty days.

Establishing counties and county seats. Legislature may change same.

That for the purpose of facilitating the organization of a temporary government in the Territory of Oklahoma, seven counties are hereby established therein, to be known, until after the first election in the Territory, as the First county, the Second county, the Third county, the Fourth county, the Fifth county, and the Sixth county, the boundaries of which shall be fixed by the governor of the Territory until otherwise provided by the legislative assembly thereof. The county seat of the First county shall be at Guthrie. The county seat of the Second county shall be at Oklahoma City. The county seat of the Third county shall be at Norman. The county seat of the Fourth county shall be at El Reno. The county seat of the Fifth county shall be at Kingfisher

City. The Sixth county seat shall be at Stillwater. The Seventh county shall embrace all that portion of the Territory lying west of the one hundredth meridian, known as the Public Land Strip, the county seat of which shall be at Beaver: *Provided*, That the county seats located by this act may be changed in such manner as the Territorial legislature may provide.

At the first election for members of the legislative assembly the people of each county may vote for a name for each county, and the name which receives the greatest number of votes shall be the name of such county. If two or more counties should select the same name, the county which casts the greater number of votes for such name shall be entitled to the same, and the names receiving the next highest number of votes in the other counties shall be the names of such counties. An apportionment shall be made by the governor, as nearly equal as practicable, among the several counties or districts for the election of the council and house of representatives, giving to each section of the Territory representation in the ratio of its population (excepting Indians not taxed) as nearly as may be; and the members of the council and house of representatives shall reside in and be inhabitants of the districts for which they may be elected, respectively. Previous to the first election the governor shall cause a census or enumeration of the inhabitants of the several counties or districts of the Territory to be taken, unless the same shall have been taken and published by the United States, in which case such census and enumeration shall be adopted, and the first election shall be held at such times and places, and be conducted in such manner, both as to the persons who superintend such election and the returns thereof, as the governor shall appoint and direct, and he shall at the same time declare the number of the members of the council and the house of representatives to which each of the counties or districts shall be entitled, as shown by the census herein provided for. The number of persons authorized to be elected, having the highest number of legal votes in each

Provisions for
first election.

of said council districts for members of the council, shall be declared by the governor to be duly elected to the council, and the person or persons authorized to be elected having the greatest number of votes for the house of representatives, equal to the number to which each county or district shall be entitled, shall be declared by the governor to be elected members of the house of representatives: *Provided*, That in case two or more persons voted for have an equal number of votes, and in case a vacancy otherwise occurs in either branch of the legislative assembly, the governor shall order a new election; and the persons thus elected to the legislative assembly shall meet at such place and on such day as the governor shall appoint, but after such first election, however, the time, place and manner of holding elections by the people, and the appointment of representation, and the day of the commencement of regular sessions of the legislative assembly, shall be prescribed by law: *Provided, however*, That the governor shall have power to call the legislative assembly together by proclamation on an extraordinary occasion, at any time.

SEC. 5. That all male citizens of the United States above the age of twenty-one years, and all male persons of foreign birth over said age, who shall have, twelve months prior thereto, declared their intentions to become citizens of the United States, as now required by law, who are actual residents at the time of the passage of this act of that portion of said Territory which was declared by the proclamation of the president to be open for settlement on the twenty-second day of April, *anno domini*, eighteen hundred and eighty-nine, and of that portion of said Territory heretofore known as the Public Land Strip, shall be entitled to vote at the first election in the Territory. At every subsequent election the qualifications of voters, and of holding office, shall be such as may be prescribed by the legislative assembly, subject, however, to the following restrictions on the power of the legislative assembly, namely: *First*, The right of suffrage and of holding office shall be exercised only by citizens of the

United States above the age of twenty-one years and by persons of foreign birth above that age who have declared, on oath, before a competent court of record, as required by the naturalization laws of the United States, their intention to become citizens, and have taken an oath to support the constitution of the United States, and who shall have been residents of the United States for the term of twelve months before the election at which they offer to vote. *Second*, There shall be no denial of the elective franchise or of holding office, to a citizen, on account of race, color, or previous condition of servitude. *Third*, No officer, soldier, seaman, marine, or other person in the army or navy, or attached to troops in the service of the United States, shall be allowed to vote in said Territory by reason of being on service therein. *Fourth*, No person belonging to the army or navy shall be elected to, or hold, any civil office or appointment in said Territory.

SEC. 6. That the legislative power of the Territory shall extend to all rightful subjects of legislation, not inconsistent with the constitution and laws of the United States, but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed on the property of the United States, nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents, nor shall any law be passed impairing the right to private property, nor shall any unequal discrimination be made in taxing different kinds of property, but all property subject to taxation shall be taxed in proportion to its value: *Provided*, That nothing herein shall be held to prohibit the levying and collecting license or special taxes in the Territory, from persons engaged in any business therein, if the legislative power shall consider such taxes necessary. Every bill which shall have passed the council and the house of representatives of said Territory shall, before it becomes a law, be presented to the governor of the Territory. If he approves he shall sign it, but if not, he shall return it with his objections, to the house in which it originated, who

Limitation of
legislative
power.

Property must
be taxed with-
out discrimi-
nation.

Special
licenses.

Procedure in
passing laws.

shall enter the objections at large upon their journal, and proceed to reconsider it. If after such a reconsideration, two-thirds of the house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases the vote of both houses shall be determined by yeas and nays, to be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the assembly, by adjournment, prevent its return, in which case it shall not be a law.

Township,
district and
county offices,
how filled.

SEC. 7. That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislative assembly of the Territory. The governor shall nominate and, by and with the advice and consent of the council, appoint all officers not herein otherwise provided for, and in the first instance the governor alone may appoint all such officers, who shall hold their offices until the end of the first session of the legislative assembly; and he shall lay off the necessary districts for members of the council and house of representatives, and all other officers; and whenever a vacancy happens from resignation or death, during the recess of the legislative council, in any office which is filled by appointment of the governor, by and with the advice and consent of the council, the governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislative council: *It is further provided*, That the legislative assembly shall not authorize the issuing of any bond, scrip, or evidence of debt by the Territory, or any county, city, town, or township therein, for the construction of any railroad.

Legislature
cannot author-
ize issuance
of scrip for
construction
of railroads.

Legislators
cannot hold
offices created
by them.

SEC. 8. That no member of the legislative assembly shall hold or be appointed to any office, which has been created or the salary or emoluments of which has been

increased while he was a member, during the term for which he was elected and for one year after the expiration of such term, but this restriction shall not be applicable to members of the first legislative assembly provided for by this act; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of said Territory.

SEC. 9. That the judicial power of the Territory shall be vested in a supreme court, district courts, probate courts, and justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum. They shall hold their offices for four years, and until their successors are appointed and qualified, and they shall hold a term annually at the seat of government of said Territory.

The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of the justices of the peace, shall be as limited by law: *Provided*, That justices of the peace, who shall be elected in such manner as the legislative assembly may provide by law, shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and said supreme and district courts, respectively, shall possess chancery as well as common law jurisdiction, and author-

Judicial power, in whom vested.

Jurisdiction of probate court and justices of the peace.

Jurisdiction of supreme and district courts.

ity for redress for all wrongs committed against the constitution or laws of the United States or of the Territory affecting persons or property. Said Territory shall be divided into three judicial districts, and a district court shall be held in each county in said district thereof by one of the justices of the supreme court, at such time and place as may be prescribed by law, and each judge after assignment shall reside in the district to which he is assigned. The supreme court shall define said judicial districts, and shall fix the times and places at each county seat in each district, where the district court shall be held, and designate the judge who shall preside therein.

Supreme court to define judicial districts.

Unorganized
territory.

And the territory not embraced in organized counties shall be attached for judicial purposes to such organized county or counties as the supreme court may determine. The supreme court of said Territory shall appoint its own clerk, who shall hold his office at the pleasure of the court for which he is appointed. Each district court shall appoint its clerk, who shall also be the register in chancery, and shall keep his office where the court may be held. Writs of error, bills of exception, and appeals

Appeals from
district courts,
when.

shall be allowed in all cases from final decisions of said district courts, to the supreme court, under such regulations as may be prescribed by law, but in no case removed to the supreme court shall trial by jury be allowed in said court. Writs of error and appeals from the final

Appeals from
district courts,
allowed when.

decisions of said supreme court shall be allowed and may be taken to the supreme court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy to be ascertained by oath or affirmation of either party or other competent witnesses, shall exceed five thousand dollars; and each of said district courts shall have and exercise, exclusive of any court heretofore established, the same jurisdiction in all cases arising under the constitution and laws of the United States as is vested in the circuit and district courts of the United States. In addition to the

Additional
jurisdiction of
district courts.

jurisdiction otherwise conferred by this act, said district courts shall have and exercise exclusive original jurisdiction over all offenses against the laws of the United States committed within that portion of the Cherokee Outlet not embraced within the boundaries of said Territory of Oklahoma as herein defined, and in all civil cases between citizens of the United States residing in such portion of the Cherokee Outlet, or between citizens of the United States, or of any state or territory, and any citizen of, or person or persons residing or found therein, when the value of the thing in controversy or damages or money claimed shall exceed one hundred dollars; writs of error, bills of exceptions, and appeals shall in

Cherokee
outlet.

all such cases, civil and criminal, be allowed from the district courts to the supreme court in like manner, and be proceeded with in like maner as in cases arising within the limits of said Territory. For all judicial purposes as herein defined, such portion of the Cherokee Outlet not embraced within the boundaries of the Territory of Oklahoma, shall be attached to, and be a part of one of the judicial districts of said Territory, as may be designated by the supreme court. All acts and parts of acts heretofore enacted, conferring jurisdiction upon United States courts held beyond and outside the limits of the Territory of Oklahoma as herein defined, as to all causes of action or offenses in said Territory, and in that portion of the Cherokee Outlet hereinbefore referred to, are hereby repealed, and such jurisdiction is hereby given to the supreme and district courts in said Territory, but all actions commenced in such courts, and crimes committed in said Territory and in the Cherokee Outlet, prior to the passage of this act, shall be tried and prosecuted, and proceeded with until finally disposed of, in the courts now having jurisdiction thereof, as if this act had not been passed. The said supreme and district courts of said Territory, and the respective judges thereof, shall and may grant writs of mandamus and habeas corpus in all cases authorized by law; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under said constitution and laws; and writs of error and appeals in all cases shall be made to the supreme court of said Territory, as in other cases.

Supreme and district courts may issue writs of mandamus.

SEC. 10. Persons charged with any offense or crime in the Territory of Oklahoma, and for whose arrest a warrant has been issued, may be arrested by the United States marshal or any of his deputies, wherever found in said Territory, but in all cases the accused shall be taken, for preliminary examination, before a United States commissioner, or a justice of the peace of the county, whose office is nearest to the place where the offense or crime was committed. All offenses committed in said Terri-

U. S. Marshals to make arrests.

All offenses
triable in
county where
committed.

tory, if committed within any organized county, shall be prosecuted and tried within said county, and if committed within territory not embraced in any organized county, shall be prosecuted and tried in the county to which such territory shall be attached for judicial purposes. And all civil actions shall be instituted in the county in which the defendant, or either of them, resides or may be found; and when such actions arise within any portion of said Territory, not organized as a county, such actions shall be instituted in the county to which such territory is attached for judicial purposes; but any case, civil or criminal, may be removed by change of venue, to another county.

Sections of
Nebraska laws
temporarily in
force in Okla-
homa Terri-
tory.

SEC. 11. That the following chapters and provisions of the compiled laws of the state of Nebraska, in force November first, eighteen hundred and eighty-nine, in so far as they are locally applicable, and not in conflict with the laws of the United States or with this act, are hereby extended to and put in force in the Territory of Oklahoma, until after the adjournment of the first session of the legislative assembly of said Territory, namely: The provisions of articles 2, 3 and 4, of chapter 2, entitled "Agriculture;" of chapter 4, entitled "Animals;" of chapter 6, entitled "Assignments;" of chapter 7, entitled "Attorneys;" of chapter 10, entitled "Bonds and Oaths—Official;" of chapter 12, entitled "Chattel Mortgages;" of chapter 14, entitled "Cities of the Second Class and Villages;" of chapter 15, entitled "Common Law;" of chapter 16, entitled "Corporations;" of chapter 18, entitled "Counties and County Officers;" of sections 15 and 16, of article 6, of the constitution of said state, and of chapter 20 of said laws, entitled "Courts—Probate;" of chapter 23, entitled "Decedents;" of chapter 24, entitled "Deputies;" of chapter 25, entitled "Divorce and Alimony;" of chapter 26, entitled "Elections;" of chapter 28, entitled "Fees;" of chapter 32, entitled "Frauds;" of chapter 34, entitled "Guardians and Wards;" of chapter 36, entitled "Homesteads;" of chapter 41, entitled "Instruments—Negotiable;" of chapter 44, entitled "Interest;"

of chapter 46, entitled "Jails;" of chapter 50, entitled "Liquors," but no licenses shall be issued under this chapter; of chapter 52, entitled, "Marriage;" of chapter 53, entitled "Married Women;" of chapter 54, entitled "Mechanics' and Laborers' Liens;" of chapter 61, entitled "Oath and Affirmations;" of chapter 63, entitled "Occupying Claimants;" of article 1, of chapter 72, entitled "Railroads;" of chapter 73, entitled "Real Estate;" and the provisions of part two of said laws, entitled "Code of Civil Procedure," and of part three thereof, entitled "Criminal Code."

The governor of said Territory is authorized to divide each county into election precincts and into such political sub-divisions other than school districts as may be required by the laws of the state of Nebraska; and is hereby authorized to appoint all officers of such counties and sub-divisions thereof as he shall deem necessary, and all election officers until their election or appointment shall be provided for by the legislative assembly, but not more than two of the judges or inspectors of election in any election precinct shall be members of the same political party, and the candidates of each political party who may be voted for at such election may designate one person who shall be present at the counting and canvassing of the vote cast in each precinct.

The Governor
to establish
voting pre-
cincts

The supreme and district courts of said Territory shall have the same power to enforce the laws of the state of Nebraska hereby extended to and put in force in said Territory as courts of like jurisdiction have in said state; but county courts and justices of the peace shall have and exercise the jurisdiction which is authorized by said laws of Nebraska: *Provided*, That the jurisdiction of justices of the peace in said Territory shall not exceed the sum of one hundred dollars, and county courts shall have jurisdiction in all cases where the sum or matter in demand exceeds the sum of one hundred dollars.

Supreme and
District Courts
may enforce
Nebraska laws
applying by
this Act. Ju-
risdiction of
County Courts
and Justices.

SEC. 12. That jurisdiction is hereby conferred upon the district courts in the Territory of Oklahoma over all controversies arising between members or citizens of one

Extending
jurisdiction of
District Courts
over Indians
in Oklahoma.

tribe or nation of Indians and the members or citizens of other tribes or nations in the Territory of Oklahoma, and any citizen or member of one tribe or nation who may commit any offense or crime in said Territory against the person or property of a citizen or member of another tribe or nation shall be subject to the same punishment in the Territory of Oklahoma as he would be if both parties were citizens of the United States; and any person residing in the Territory of Oklahoma, in whom there is Indian blood, shall have the right to invoke the aid of courts therein for the protection of his person or property, as though he were a citizen of the United States: *Provided*. That nothing in this act contained shall be construed as to give jurisdiction to the courts established in said Territory in controversies arising between Indians of the same tribe, while sustaining their tribal relation.

Duties and
qualifications
of United
States attorn-
eys.

SEC. 13. That there shall be appointed for said Territory a person learned in the law, who shall act as attorney for the United States, and shall continue in office for four years, and until his successor is appointed and qualified, unless sooner removed by the president. Said attorney shall receive a salary at the rate of two hundred and fifty dollars annually. There shall be appointed a marshal for said Territory, who shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the president, and who shall execute all process issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States; he shall have the power and perform the duties and be subject to the same regulations and penalties imposed by law on the marshal of the United States, and be entitled to a salary at the rate of two hundred dollars a year. There shall be allowed to the attorney, marshal, clerks of the supreme and district courts the same fees as are prescribed for similar services by such persons in chapter 16, title Judiciary, of the revised statutes of the United States.

Marshal.

Territorial
officers, oath
of office, etc.

SEC. 14. That the governor, secretary, chief justice and associate justices, attorney, and marshal shall be

nominated and by and with the advice and consent of the senate, appointed by the president of the United States. The governor and the secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation before the district judge, or some justice of the peace, or other officer in the limits of said Territory duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the supreme court of the United States, to support the constitution of the United States and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be received and recorded by the secretary, among the executive proceedings, and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said governor or secretary, or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same, to the secretary, to be recorded by him as aforesaid, and afterwards the like oath or affirmation shall be taken, certified and recorded in such manner and form as may be prescribed by law. The governor shall receive an annual salary of two thousand ^{Salaries.} and six hundred dollars as governor; the chief justice and associate justices shall receive an annual salary of three thousand dollars, and the secretary shall receive an annual salary of one thousand eight hundred dollars. The said salaries shall be payable quarter-yearly at the treasury of the United States. The members of the legislative assembly shall be entitled to receive four dollars each per day during their attendance at the sessions, and four dollars for each and every twenty miles traveled in going to and returning from said sessions, estimating the distance by the nearest traveled route. There shall be appropriated annually the sum of one thousand dollars, to be expended by the governor to defray the contingent ex-

penses of the Territory. There shall also be appropriated annually a sufficient sum, to be expended by the secretary, and upon an estimate to be made by the secretary of the treasury of the United States, to defray the expenses of the legislative assembly, of the courts, the printing of the laws, and other incidental expenses; and the secretary of the Territory shall annually account to the secretary of the treasury of the United States for the manner in which the aforesaid sum shall have been expended.

Temporary
seat of Gov-
ernment.

SEC. 15. That the legislative assembly of the Territory of Oklahoma shall hold its first session at Guthrie, in said Territory, at such time as the governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the governor and legislative assembly shall proceed to locate and establish the seat of government for said Territory, at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by the said governor and legislative assembly.

Delegate to
Congress, how
and when
elected.

SEC. 16. That a delegate to the house of representatives of the United States, to serve during each congress of the United State, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States in the said house of representatives. The first election shall be held at such time and place, and be conducted in such manner as the governor shall appoint and direct, after at least sixty days' notice to be given by proclamation, and at all subsequent elections the time, place, and manner of holding elections, shall be prescribed by law. The person having the greatest number of votes of the qualified electors, as hereinbefore provided, shall be declared by the governor elected, and a certificate thereof shall be accordingly given.

National
Banks.

SEC. 17. That the provisions of title 62 of the revised statutes of the United States relating to national banks, and all amendments thereto, shall have the same

force and effect in the Territory of Oklahoma as elsewhere in the United States: *Provided*, That persons otherwise qualified to act as directors shall not be required to have resided in said Territory for more than three months immediately preceding their election as such.

SEC. 18. That sections numbered 16 and 36 in each township in said Territory shall be, and the same are hereby reserved for the purpose of being applied to public schools in the state or states hereafter to be erected out of the same. In all cases where sections 16 and 36 or either of them, are occupied by actual settlers prior to survey thereof the county commissioners of the counties in which such sections are so occupied are authorized to locate other lands, to an equal amount, in sections or fractional sections, as the case may be, within their respective counties, in lieu of the sections so occupied.

Lands in lieu
of school land
grants. Other
land pro-
visions.

All the lands embraced in that portion of the Territory of Oklahoma heretofore known as the Public Land Strip, shall be open to settlement under the provisions of the homestead laws of the United States, except section 2301 of the revised statutes, which shall not apply; but all actual and *bona fide* settlers upon and occupants of the lands in said Public Land Strip at the time of the passage of this act, shall be entitled to have preference to and hold the lands upon which they have settled under the homestead laws of the United States, by virtue of their settlement and occupancy of said lands, and they shall be credited with the time they have actually occupied their homesteads, respectively, not exceeding two years, on the time required under said laws, to perfect title as homestead settlers.

The lands within said Territory of Oklahoma, acquired by cession of the Muskogee (or Creek) Nation of Indians, confirmed by act of congress approved March first, eighteen hundred and eighty-nine, and also the lands acquired in pursuance of an agreement with the Seminole Nation of Indians by release and conveyance, dated March sixteenth, eighteen hundred and eighty-nine, which may

hereafter be opened to settlement, shall be disposed of under the provisions of sections 12, 13, and 14 of the "Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes," approved March second, eighteen hundred and eighty-nine, and under section 2 of an "Act to ratify and confirm an agreement with the Muskogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes," approved March first, eighteen hundred and eighty-nine: *Provided, however,* That each settler under and in accordance with the provisions of said act shall, before receiving a patent for his homestead, on the land hereafter opened to settlement as aforesaid, pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of one dollar and twenty-five cents per acre.

Whenever any of the other lands within the Territory of Oklahoma, now occupied by any Indian tribe, shall by operation of law or proclamation of the president of the United States, be open to settlement, they shall be disposed of to actual settlers only, under the provisions of the homestead law, except section 2301 of the revised statutes of the United States which shall not apply: *Provided, however,* That each settler under and in accordance with the provisions of said homestead laws, shall before receiving a patent for his homestead pay to the United States for the land so taken by him, in addition to the fees provided by law, a sum per acre equal to the amount which has been or may be paid by the United States to obtain a relinquishment of the Indian title or interest therein, but in no case shall such payment be less than one dollar and twenty-five cents per acre. The rights of honorably discharged soldiers and sailors in the late civil war, as defined and described in sections 2304 and 2305 of the revised statutes of the United States, shall not be abridged except as to such payment. All tracts of land in Oklahoma Territory which have been set apart for school purposes, to educa-

tional societies, or missionary boards at work among the Indians, shall not be opened for settlement, but are hereby granted to the respective educational societies or missionary boards for whose use the same have been set apart. No part of the land embraced within the Territory hereby created shall inure to the use or benefit of any railroad corporation, except the rights of way and land for stations heretofore granted to certain railroad corporations. Nor shall any provision of this act or any act of any officer of the United States, done or performed under the provisions of this act or otherwise, invest any corporation owning or operating any railroad in the Indian Territory, or Territory created by this act, with any land or right to any land in either of said Territories, and this act shall not apply to or affect any land which, upon any condition on becoming a part of the public domain, would inure to the benefit of, or become the property of, any railroad corporation.

SEC. 19. That portion of the Territory of Oklahoma heretofore known as the Public Land Strip is hereby declared a public land district, and the president of the United States is hereby empowered to locate a land office in said district, at such place as he shall select, and to appoint in conformity with existing law a register and receiver of said land office. He may also, whenever he shall deem it necessary, establish another additional land district within said Territory, locate a land office therein, and in like manner appoint a register and receiver thereof. And the commissioner of the general land office shall, when directed by the president, cause the lands within the Territory to be properly surveyed and subdivided, where the same has not already been done.

SEC. 20. That the procedure in applications, entries, contests and adjudications in the Territory of Oklahoma shall be in form and manner prescribed under the homestead laws of the United States, and the general principles and provisions of the homestead laws, except as modified by the provisions of this act, and the acts of congress approved March first and second, eighteen hundred

and eighty-nine, heretofore mentioned, shall be applicable to all entries made in said Territory, but no patent shall be issued to any person who is not a citizen of the United States at the time of making final proof.

All persons who shall settle on land in said Territory, under the provisions of the homestead laws of the United States, and of this act, shall be required to select the same in square form as nearly as may be; and no person who shall at the time be seized in fee simple of a hundred and sixty acres of land in any state or territory, shall hereafter be entitled to enter land in said Territory of Oklahoma. The provisions of sections 2304 and 2305 of the revised statutes of the United States shall, except so far as modified by this act, apply to all homestead settlements in said Territory.

May secure
patents in
twelve months

SEC. 21. That any person, entitled by law to take a homestead in said Territory of Oklahoma, who has already located and filed upon, or shall hereafter locate and file upon, a homestead within the limits described in the president's proclamation of April first, [March 23] eighteen hundred and eighty-nine, and under and in pursuance of the laws applicable to the settlement of the lands opened for settlement by such proclamation, and who has complied with all the laws relating to such homestead settlement, may receive a patent therefor at the expiration of twelve months from date of locating upon said homestead, upon payment to the United States of one dollar and twenty-five cents per acre for land embraced in such homestead.

Townsites
may be se-
cured, when
and how.

SEC. 22. That the provisions of title 32, chapter 8, of the revised statutes of the United States, relating to "Reservation and sale of townsites on the public lands," shall apply to the lands open, or to be opened to settlement in the Territory of Oklahoma, except those opened to settlement by the proclamation of the president on the twenty-second day of April, [March 23] eighteen hundred and eighty-nine: *Provided*, That hereafter all surveys of town sites in said Territory shall contain reservations for parks (of substantially equal area, if more

than one park), and for schools and other public purposes, embracing in the aggregate not less than ten or more than twenty acres; and patents for such reservations, to be maintained for such purposes, shall be issued to the towns respectively when organized as municipalities: *Provided further*, That in case of any land in said Territory of Oklahoma which may be occupied and filed upon as a homestead, under the provisions of law applicable to said Territory, by a person who is entitled to perfect his title thereto under such laws, is required for townsite purposes, it shall be lawful for such person to apply to the secretary of the interior to purchase the lands embraced in said homestead, or any part thereof, for townsite purposes. He shall file with the application a plat of such proposed town site, and if such plat shall be approved by the secretary of the interior, he shall issue a patent to such person for land embraced in said townsite, upon the payment of the sum of ten dollars per acre for all the lands embraced in such townsite, except the lands to be donated and maintained for public purposes, as provided in this section. And the sums so received by the secretary of the interior shall be paid over to the proper authorities of the municipalities when organized, to be used by them for school purposes only.

SEC. 23. That there shall be reserved public highways Relating to public highways. four rods wide between each section of land in said territory, the section lines being the center of such highways; but no deduction shall be made, where cash payments are provided for, in the amount to be paid for each quarter section of land by reason of such reservation. But if the said highway shall be vacated by any competent authority, the title to the respective strips shall inure to the then owner of the tract of which it formed a part of the original survey.

SEC. 24. That it shall be unlawful for any person, for himself or any company, association, or corporation, to directly or indirectly procure any person to settle upon any lands open to settlement in the Territory of Oklahoma, with intent thereafter of acquiring title thereto; and any Fraudulent settlement of public lands, how punished.

title thus acquired shall be void; and the parties to such fraudulent settlement shall severally be guilty of a misdemeanor, and shall be punished upon indictment, by imprisonment not exceeding twelve months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

This act does not apply to Greer county only on certain conditions

SEC. 25. That inasmuch as there is a controversy between the United States and the state of Texas, as to the ownership of what is known as Greer county, it is hereby expressly provided that this act shall not be construed to apply to said Greer county until the title to the same has been adjudicated and determined to be in the United States; and, in order to provide for a speedy and final judicial determination of the controversy aforesaid the attorney-general of the United States is hereby authorized and directed to commence in the name and on behalf of the United States, and prosecute to a final determination, a proper suit in equity in the supreme court of the United States against the state of Texas, setting forth the title and claim of the United States to the tract of land lying between the North and South Forks of the Red river where the Indian Territory and the state of Texas adjoin, east of the one hundredth degree of longitude, and claimed by the state of Texas as within its boundary and a part of its land, and designated on its map as Greer county, in order that the rightful title to said land may be finally determined, and the court on the trial of the case may, in its discretion, so far as the ends of justice will warrant, consider any evidence heretofore taken and received by the joint boundary commission under the act of congress approved January thirty-first, eighteen hundred and eighty-five; and said case shall be advanced on the docket of said court, and proceeded with to its conclusion as rapidly as the nature and circumstances of the case permit.

Appropriations.

SEC. 26. That the following sums, or so much thereof as may be necessary, are hereby appropriated, out of the money in the treasury not otherwise appropriated, to be disbursed under the direction of the secretary of the interior, in the same manner that similar appropriations are

disbursed in the other territories of the United States, namely:

To pay the expenses of the first legislative assembly of said Territory, including the printing of the session laws thereof, the sum of forty thousand dollars.

To pay the salaries of the governor, the judges of the supreme court, the secretary of the Territory, the marshal, the attorney, and other officers whose appointment is provided for in this act, for the remainder of the fiscal year ending June thirtieth, eighteen hundred and ninety, the sum of twenty thousand dollars.

To pay the rent of buildings for the legislative and executive offices, and for the supreme and district courts; to provide jails, and support prisoners; to pay mileage and per diem of jurors and witnesses; to provide books, records, and stationery for executive and judicial offices for the remainder of the fiscal year ending June thirtieth, eighteen hundred and ninety, the sum of fifteen thousand dollars.

To enable the governor to take a census of the inhabitants of said Territory, as required by law, the sum of five thousand dollars.

To be expended by the governor in temporary support and aid of common school education in said Territory, as soon as a system of public schools shall have been established by the legislative assembly, the sum of fifty thousand dollars.

SEC. 27. That the provisions of this act shall not be so construed as to invalidate or impair any legal claims or rights of persons occupying any portion of said Territory, under the laws of the United States, but such claims shall be adjudicated by the land department, or the courts, in accordance with the respective jurisdictions.

Legal rights
acquired not
invalidated.

SEC. 28. That the constitution and all the laws of the United States not locally inapplicable shall, except so far as modified by this act, have the same force and effect as elsewhere within the United States; and all acts and parts of acts in conflict with the provisions of this act are as to their effect in said Territory of Oklahoma hereby repealed: *Provided*, That Section 1850 of the revised statutes of

the United States shall not apply to the Territory of Oklahoma.

Boundaries of
Indian Terri-
tory proper.
Establishing a
Court.

SEC. 29. That all that part of the United States which is bounded on the north by the state of Kansas, on the east by the state of Arkansas and Missouri, on the south by the state of Texas, and on the west and north by the Territory of Oklahoma as defined in the first section of this act, shall for the purposes of this act, be known as the Indian Territory: and the jurisdiction of the United States court established under and by virtue of an act entitled "An act to establish a United States court in the Indian Territory, and for other purposes," approved March first, eighteen hundred and eighty-nine, is hereby limited to and shall extend only over the Indian Territory as defined in this section; that the court established by said act shall, in addition to the jurisdiction conferred thereon by said act, have and exercise within the limits of the Indian Territory, jurisdiction in all civil cases in the Indian Territory, except cases over which the tribal courts have exclusive jurisdiction; and in all cases on contracts entered into by citizens of any tribe or nation with citizens of the United States in good faith and for valuable consideration, and in accordance with the laws of such tribe or nation, and such contracts shall be deemed valid and enforced by such courts; and in all cases over which jurisdiction is conferred by this act or may hereafter be conferred by act of congress; and the provisions of this act hereinafter set forth shall apply to said Indian Territory only.

Organization
of Courts,
how, when
and where.

SEC. 30. That for the purpose of holding terms of said court, said Indian Territory is hereby divided into three divisions, to be known as the first, second and third divisions. The first division shall consist of the country occupied by the Indian tribes in the Quapaw Indian agency and all that part of the Cherokee country east of the ninety-sixth meridian and all of the Creek country; and the place for holding said court therein shall be at Muskogee. The second division shall consist of the Choctaw country, and the place for holding said court

therein shall be at South McAlester. The third division shall consist of the Chickasaw and Seminole countries, and the place for holding said court therein shall be at Ardmore. That the attorney general of the United States may, if in his judgment it shall be necessary, appoint an assistant attorney for said court. And the clerk of said court shall appoint a deputy clerk in each of said divisions in which said clerk does not himself reside at the place in such division where the terms of said court are to be held. Such deputy clerk shall keep his office and reside at the place appointed for holding of said court in the division of such residence, and shall keep the records of said court for such division, and in the absence of the clerk may exercise all the official powers of the clerk within the division for which he is appointed: *Provided*, That the appointment of such deputies shall be approved by said United States court in the Indian Territory, and may be annulled by said court at its pleasure, and the clerk shall be responsible for the official acts and negligence of his respective deputies. The judge of said court shall hold at least two terms of said court each year in each of the divisions aforesaid, at such regular times as said judge shall fix and determine, and shall be paid his actual traveling expenses and subsistence while attending and holding court at places other than Muskogee. And jurors for each term of said court, in each division, shall be selected and summoned in the manner provided in said act, three jury commissioners to be selected by said court for each division, who shall possess all the qualifications and perform in said division all the duties required by the jury commissioners provided for in said act. All prosecutions for crimes or offenses hereafter committed in said Indian Territory shall be cognizable within the division in which such crime or offense shall have been committed. And all civil suits shall be brought in the division in which the defendant or defendants reside or may be found; but if there be two or more defendants residing in different divisions, the action may be brought in any division in which either of

the defendants resides or may be found. And all cases shall be tried in the division in which the process is returnable as herein provided, unless said judge shall direct such case to be removed to one of the other divisions: *Provided, however,* That the judicial tribunals of the Indian nations shall retain exclusive jurisdiction in all civil and criminal cases arising in the country in which members of the nation by nativity or by adoption shall be the only parties; and as to all such cases the laws of the state of Arkansas extended over and put in force in said Indian Territory by this act shall not apply.

Extending
certain gener-
al laws of Ar-
kansas over
Indian Terri-
tory.

SEC. 31. That certain general laws of the state of Arkansas in force at the close of the session of the general assembly of that state, of eighteen hundred and eighty-three, as published in eighteen hundred and eighty-four, in the volume known as Manfield's Digest of the Statutes of Arkansas, which are not locally inapplicable or in conflict with this act or with any law of congress, relating to the subjects specially mentioned in this section, are hereby extended over and put in force in the Indian Territory until congress shall otherwise provide; that is to say, the provisions of the said general statutes of Arkansas relating to administration, chapter 1, and the United States court in the Indian Territory, herein referred to, shall have and exercise the powers of courts of probate under said laws; to public administrators, chapter 2, and the United States marshal of the Indian Territory shall perform the duties imposed by said chapter on the sheriffs of said state, to arrest and bail, civil, chapter 7; to assignment for benefit of creditors, chapter 8; to attachments, chapter 9; to attorneys at law, chapter 11; to bills of exchange and promissory notes, chapter 14; to civil rights, chapter 18; to common and statute law of England, chapter 20; to contempts, chapter 26; to municipal corporations, chapter 29, division 1; to costs, chapter 30; to descents and distributions, chapter 49; to divorce, chapter 52, and said court in the Indian Territory shall exercise the powers of the

circuit courts of Arkansas under this chapter; to dower, chapter 52; to evidence, chapter 59; to execution, chapter 60; to fees, chapter 63; to forcible entry and detainer, chapter 67; to frauds, statute of, chapter 68; to fugitives from justice, chapter 69; to gaming contracts, chapter 70; to guardians, curators and wards, chapter 73, and said court in the Indian Territory shall appoint guardians and curators; to *habeas corpus*, chapter 74; to injunction, chapter 81; to insane persons and drunkards, chapter 82, and said court in the Indian Territory shall exercise the powers of the probate courts of Arkansas under this chapter; to joint and several obligations and contracts, chapter 87; to judgments and decrees, chapter 88; to judgments summary, chapter 89; to jury, chapter 90; to landlord and tenant, chapter 92; to legal notices and advertisement, chapter 94; to liens, chapter 96; to limitations, chapter 97; to mandamus and prohibition, chapter 100; to marriage contracts, chapter 102; to marriages, chapter 103; to married women, chapter 104; to money and interest, chapter 109; to mortgages, chapter 110; to notaries public, chapter 111, and said court in the Indian Territory shall appoint notaries public under this chapter; to partition and sale of lands, chapter 115; to pleadings and practice, chapter 119; to recorder, chapter 126; to replevin, chapter 128; to venue, change of, chapter 153; and to wills and testaments, chapter 155; and whenever in said laws of Arkansas the courts of record of said state are mentioned the said court in the Indian Territory shall be substituted therefor; and whenever the clerks of said courts are mentioned in said laws the clerk of said court in the Indian Territory and his deputies, respectively, shall be substituted therefor; and whenever the sheriff of the county is mentioned in said laws the United States marshal of the Indian Territory shall be substituted therefor, for the purpose, in each of the cases mentioned, of making said laws of Arkansas applicable to the Indian Territory.

That no attachment shall issue against improvements on real estate while the title to the land is vested in any

No attach-
ments to issue
against im-
provements of
Indian lands,
except when.

Indian nation, except where such improvements have been made by persons, companies or corporations operating coal or other mines, railroads or other industries, under lease or permission of law of an Indian national council, or charter, or law of the United States.

Executions
valid when.

That executions upon judgments obtained in any other than Indian courts shall not be valid for the sale or conveyance of title to improvements made upon lands owned by an Indian nation, except in the cases wherein attachments are provided for. Upon a return of *nulla bona*, upon an execution upon any judgment against an adopted citizen of any Indian tribe, or against any person residing in the Indian country and not a citizen thereof, if the judgment debtor shall be the owner of any improvements upon real estate within the Indian territory in excess of one hundred and sixty acres occupied as a homestead, such improvements may be subjected to the payment of such judgment by a decree of the court in which such judgment was rendered. Proceedings to subject such property to the payment of judgments may be by petition, of which the judgment debtor shall have notice as in the original suit. If on the hearing the court shall be satisfied from the evidence that the judgment debtor is the owner of improvements on real estate subject to the payment of said judgment, the court may order the same sold, and the proceeds, or so much thereof as may be necessary to satisfy said judgment and costs, applied to the payment of said judgment; or if the improvement is of sufficient rental value to discharge the judgment within a reasonable time the court may appoint a receiver, who shall take charge of such property and apply the rental receipts thereof to the payment of such judgment, under such regulations as the court may prescribe. If under such proceeding any improvement is sold, only citizens of the tribe in which said property is situated may become the purchaser thereof.

Court may
order im-
provements
sold, when.
Receiver can
be appointed
under certain
conditions.

The constitution of the United States and all general laws of the United States which prohibit crimes and misdemeanors in any place within the sole and exclusive

jurisdiction of the United States, except in the District of Columbia, and all laws relating to national banking associations, shall have the same force and effect in the Indian Territory as elsewhere in the United States; but nothing in this act shall be so construed as to deprive any of the courts of the civilized nations of exclusive jurisdiction over all cases arising wherein members of said nations, whether by treaty, blood, or adoption, are the sole parties, nor so as to interfere with the right and power of said civilized nations to punish said members for violation of the statutes and laws enacted by their national councils where such laws are not contrary to the treaties and laws of the United States.

SEC. 32. That the word "County," as used in any of the laws of Arkansas which are put in force in the Indian Territory by the provisions of this act, shall be construed to embrace the territory within the limits of a judicial division in said Indian Territory; and whenever in said laws of Arkansas the word "County" is used, the words "Judicial division" may be substituted therefor, in said Indian Territory, for the purposes of this act. And whenever in said laws of Arkansas the word "State" or the words "State of Arkansas" are used, the word "Territory" or the words "Indian Territory" may be substituted therefor, for the purposes of this act, and for the purpose of making said laws of Arkansas applicable to the said Indian Territory; but all prosecutions therein shall run in the name of the "United States."

SEC. 33. That the provisions of chapter 45 of the said general laws of Arkansas, entitled "Criminal law," except as to the crimes and misdemeanors mentioned in the *proviso* to this section, and the provisions of chapter 46 of said general laws of Arkansas, entitled "Criminal procedure," as far as they are applicable, are hereby extended over and put in force in the Indian Territory, and jurisdiction to enforce said provisions is hereby conferred upon the United States court therein: *Provided*, That in all cases where the laws of the United States and the said criminal laws of Arkansas have provided for the punishment of the

Defining the
application of
certain words.

Defining jur-
isdiction of
certain courts
of Indian Ter-
ritory, Texas
and Arkansas.

same offenses the laws of the United States shall govern as to such offenses: *And provided further*, That the United States circuit and district courts, respectively, for the western district of Arkansas and the eastern district of Texas, respectively, shall continue to exercise exclusive jurisdiction as now provided by law in the Indian Territory as defined in this act, in their respective districts as heretofore established, over all crimes and misdemeanors against the laws of the United States applicable to the said Territory, which are punishable by said laws of the United States by death or by imprisonment at hard labor, except as otherwise provided in the following sections of this act.

Same.

SEC. 34. That original jurisdiction is hereby conferred upon the United States court in the Indian Territory to enforce the provisions of title 28, chapters 3 and 4, of the revised statutes of the United States, in said Territory, except the offenses defined and embraced in sections 2142 and 2143: *Provided*, That as to the violations of the provisions of section 2139 of said revised statutes, the jurisdiction of said court in the Indian Territory shall be concurrent with the jurisdiction exercised in the enforcement of such provisions by the United States courts for the western district of Arkansas and the eastern district of Texas: *Provided*, That all violations of said chapters 3 and 4, prior to the passage of this act, shall be prosecuted in the said United States courts respectively, the same as if this act had not been passed.

Same.

SEC. 35. That exclusive original jurisdiction is hereby conferred upon the United States court in the Indian Territory to enforce the provisions of chapter 4, title 70, of the revised statutes of the United States, entitled "Crimes against justice," in all cases where the crimes mentioned therein are committed in any judicial proceeding in the Indian Territory and where such crimes affect or impede the enforcement of the laws in the courts established in said Territory: *Provided*, That all violations of the provisions of said chapter prior to the passage of this act shall be prosecuted in the United States

courts for the western district of Arkansas and the eastern district of Texas respectively, the same as if this act had not been passed.

SEC. 36. That jurisdiction is hereby conferred upon ^{Same.} the United States court in the Indian Territory over all controversies arising between members or citizens of one tribe or nation of Indians and the members or citizens of other tribes or nations in the Indian Territory, and any citizen or member of one tribe or nation who may commit any offense or crime against the person or property of a citizen or member of another tribe or nation shall be subject to the same punishment in the Indian Territory as he would be if both parties were citizens of the United States. And any member or citizen of any Indian tribe or nation in the Indian Territory shall have the right to invoke the aid of said court therein for the protection of his person or property as against any person not a member of the same tribe or nation, as though he were a citizen of the United States.

SEC. 37. That if any person shall, in the Indian Territory, open, carry on, promote, make or draw, publicly or privately, any lottery or scheme of chance of any kind or description, by whatever name, style or title the same may be denominated or known, or shall, in said Territory, vend, sell, barter or dispose of any lottery ticket or tickets, order or orders, device or devices, of any kind, for or representing any number of shares or any interest in any lottery or scheme of chance or shall open or establish as owner or otherwise any lottery or scheme of chance in said Territory, or shall be in anywise concerned in any lottery or scheme of chance, by acting as owner or agent in said Territory, for or on behalf of any lottery or scheme of chance, to be drawn, paid or carried on, either out of or within said Territory, every such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined for the first offense, not exceeding five hundred dollars, and for the second offense shall on conviction, be fined not less than five hundred dollars and not exceeding five thousand, and he may be imprisoned, in the dis- <sup>Prohibiting
lotteries and
games of
chance,</sup>

cretion of the court, not exceeding one year. And jurisdiction to enforce the provisions of this section is hereby conferred upon the United States court in said Indian Territory, and all persons therein, including Indians and members and citizens of Indian tribes and nations, shall be subject to its provisions and penalties.

Relating to
marriages.

SEC. 38. The clerk and deputy clerks of said United States court shall have the power within their respective divisions to issue marriage licenses or certificates, and solemnize marriages. They shall keep copies of all marriage licenses or certificates issued by them, and a record book in which shall be recorded all licenses or certificates after the marriage has been solemnized, and all persons authorized by law to solemnize marriages shall return the license or certificate, after executing the same, to the clerk or deputy clerk who issued it, together with his return thereof. They shall also be *ex-officio* recorders within their respective divisions and as such they shall perform such duties as are required of recorders of deeds under the said laws of Arkansas, and receive the fees and compensation therefor which are provided in said laws of Arkansas for like service: *Provided*, That all marriages heretofore contracted under the laws or tribal customs of any Indian nation now located in the Indian Territory are hereby declared valid, and the issue of such marriages shall be deemed legitimate and entitled to all inheritance of property or other rights, the same as in the case of the issue of other forms of lawful marriage: *Provided further*, That said chapter 103 of said laws of Arkansas shall not be construed so as to interfere with the operation of the laws governing marriage enacted by any of the civilized tribes, nor to confer any authority upon any officer of said court to unite a citizen of the United States in marriage with a member of any of the civilized nations until the preliminaries to such marriage shall have first been arranged according to the laws of the nation of which said Indian person is a member: *And Provided further*, That where such marriage is required by law of an Indian nation to be of record, the certificate of

such marriages shall be sent for record to the proper officer, as provided in such law enacted by the Indian nation.

SEC. 39. That the United States court in the Indian Territory shall have all the powers of the United States circuit court or circuit court judges to appoint commissioners within said Indian Territory, who shall be learned in the law, and shall be known as United States Commissioners; but not exceeding three commissioners shall be appointed for any one division, and such commissioners when appointed shall have, within the division designated in the order appointing them, all the powers of commissioners of circuit courts of the United States. They shall be *ex-officio* notaries public, and shall have power to solemnize marriages. The provisions of chapter 91 of the said laws of Arkansas, regulating the jurisdiction and procedure before justices of the peace, are hereby extended over the Indian Territory, and said commissioners shall exercise all the powers conferred by the laws of Arkansas upon justices of the peace within their districts; but they shall have no jurisdiction to try any cause where the value of the thing or the amount in controversy exceeds one hundred dollars.

United States
Commission-
ers, by whom
appointed, and
jurisdiction.

Appeals, may be taken from the final judgment of said commissioners to the United States court in said Indian Territory in all cases and in the same manner that appeals may be taken from the final judgments of justices of the peace under the provisions of said chapter 91. The said court may appoint a constable for each of the commissioner's districts designated by the court, and the constable so appointed shall perform all the duties required of constables under the provisions of chapter 24 and other laws of the state of Arkansas. Each commissioner and constable shall execute to the United States, for the security of the public, a good and sufficient bond, in the sum of five thousand dollars, to be approved by the judge appointing him, conditioned that he will faithfully discharge the duties of his office and account for all moneys coming to his hands, and he shall take an oath to support

Appeals.

the constitution of the United States and to faithfully perform the duties required of him.

The appointment of United States commissioners by said court held at Muskogee, in the Indian Territory, heretofore made, and all acts in pursuance of law and in good faith performed by them, are hereby ratified and validated.

Providing for
arrests for
crime.

SEC. 40. That persons charged with any offense or crime in the Indian Territory, and for whose arrest a warrant has been issued, may be arrested by the United States marshal, or any of his deputies, wherever found in said Territory; but in all cases the accused shall be taken, for preliminary examination, before the commissioner in the judicial division whose office or place of business is nearest by the route usually traveled to the place where the offense or crime was committed; but this section shall apply only to crimes or offenses over which the courts located in the Indian Territory have jurisdiction: *Provided*, That in all cases where persons have been brought before a United States commissioner in the Indian Territory for preliminary examination, charged with the commission of any crime therein, and where it appears from the evidence that a crime has been committed, and that there is probable cause to believe the accused guilty thereof, but that the crime is one over which the courts in the Indian Territory have no jurisdiction, the accused shall not, on that account, be discharged, but the case shall be proceeded with as provided in section 1014 of the revised statutes of the United States.

SEC. 41. That the judge of the United States court in the Indian Territory shall have the same power to extradite persons who have taken refuge in the Indian Territory, charged with crimes in the states or other territories of the United States, that may now be exercised by the governor of Arkansas in that state, and he may issue requisitions upon governors of states or other territories for persons who have committed offenses in the Indian

Territory, and who have taken refuge in such states or territories.

SEC. 42. That appeals and writs of error may be taken and prosecuted from the decisions of the United States court in the Indian Territory to the supreme court of the United States in the same manner and under the same regulations as from the circuit courts of the United States, except as otherwise provided in this act.

Appeals to U.
S. Supreme
Court.

SEC. 43. That any member of any Indian tribe or nation residing in the Indian Territory may apply to the United States court therein to become a citizen of the United States and such court shall have jurisdiction thereof and shall hear and determine such application as provided in the statutes of the United States; and the confederated Peoria Indians, residing in the Quapaw Indian Agency, who have heretofore or who may hereafter accept their land in severalty under any of the allotment laws of the United States, shall be deemed to be, and are hereby, declared to be citizens of the United States from and after the selection of their allotments, and entitled to all the rights, privileges, and benefits as such, and parents are hereby declared from that time to have been and to be the legal guardians of their minor children without process of court: *Provided*, That the Indians who become citizens of the United States under the provisions of this act do not forfeit or lose any rights or privileges they enjoy or are entitled to as members of the tribe or nation of which they belong.

Indians may
become citi-
zens.

SEC. 44. That the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to be disbursed under the direction of the attorney general of the United States, in the same manner that similar appropriations are disbursed in the other territories of the United States, namely:

Appropri-
ations.

To pay the actual traveling and other expenses of the Same. Judge of the United States court holding court in said Indian Territory other than at Muskogee, to pay for the rent of buildings for the court, to provide jails and sup-

ORGANIC ACT.

port prisoners, to pay mileage and *per diem* of jurors and witnesses, to provide books, records, and stationery for the judicial offices for the remainder of the fiscal year ending June thirtieth, eighteen hundred and ninety, the sum of ten thousand dollars.

LAWS OF OKLAHOMA.

CHAPTER I.

ADMINISTRATORS.

SECTION.

1. Probate Judge to Authorize Mortgage of Intestate Estates.

SECTION.

2. Notice and Procedure.

AN ACT Authorizing Administrators and Guardians to Mortgage Real Estate of Intestates.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That Section 1, of Chapter 1, Session Laws of 1895, be, and the same is hereby amended to read as follows: Section 1. The probate judge may, upon petition supported by competent testimony showing that the best interests of the estate demand it, by order grant authority to the administrators of intestate estates, or to guardians of the estates of minors, to mortgage any real estate belonging to such estate, where mortgages existing on such real estate are due, or to become due, and there is not sufficient money belonging to the estate with which to pay or redeem such mortgage; *Provided*, That in no instance shall authority be granted by such judge to such administrator, or guardian, to mortgage such real estate for a greater sum than the amount secured by the original mortgage.

Probate Judge to Authorize Mortgage of Intestate Estates.

SECTION 2. That Section 2, of said Act, be, and the same is hereby amended to read as follows: Section 2. Upon the filing of the petition mentioned in the preceding section, the probate judge shall set a time for the hearing of the same and the administrator, or guardian, shall cause notice thereof to be made by publication in a newspaper published, or of a

Notice and Procedure.

general circulation, in the county wherein such hearing is to be had. Said notice shall contain a description of the real estate sought to be mortgaged, and shall be published two weeks successively prior to such hearing.

SECTION 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 4. This Act shall be in force from and after its passage and approval.

Approved March 8, 1901.

CHAPTER II.

AGRICULTURE.

ARTICLE.

1. Establishing Board of Agriculture.

ARTICLE.

2. To Encourage Agriculture, Horticulture and Stock Raising.

ARTICLE 1.—ESTABLISHING BOARD OF AGRICULTURE.

SECTION.

1. Members of Board, How Elected; Vacancies, How Filled.
2. Election and Bonds of Officers; Duties of Secretary; Powers and Duties of Board.
3. Meetings of Board; Compensation of Members.

SECTION.

4. Annual Report of Board.
5. Secretary to Issue Charter to County Institute; County Institute, Meetings of; Compensation of Delegates.
6. Duty of County Clerk; Misdemeanor.

AN ACT Establishing a Board of Agriculture and Defining its Duties and for Other Purposes.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That a Board of Agriculture is hereby created, said Board to consist of six members and the Governor of Oklahoma, who shall be an ex-officio member. The six members shall be elected by annual meetings of delegates from county institutes to be held as hereinafter provided. As soon after the passage and approval of this Act as nine county farmers' institutes shall have been duly chartered and organized, as hereinafter provided, the Secretary of the Territory shall notify the Governor, whose duty it

Members of
Board, How
Elected;
Vacancies,
How Filled.

shall then be to call a meeting of the delegates elected by such institutes, said meeting to be held at the Territorial capital, for the purpose of electing the six members of said Board, of whom two shall be elected for the full term of three years, two for the term of two years, and two for the term of one year, and thereafter two members shall be so elected for the full term of three years at each annual meeting. If vacancies occur in the membership from any cause, the Governor shall fill the same by appointment, on recommendation of the Board, until the next annual meeting, when such vacancies shall be filled by election for the remainder of the unexpired term.

SECTION 2. Members of the Board of Agriculture shall be entitled to vote on every proposition with the delegates from the several farmers' institutes in the annual meeting. Four members of the said Board shall constitute a quorum for the transaction of business. Said Board shall elect from its own members a president, vice-president and treasurer, and it shall elect as its secretary a person who is not a member. Said Board shall require the treasurer and the secretary to each file a sufficient bond to insure a faithful performance of their respective duties.

Election and
Bonds of
Officers;
Duties of
Secretary;
Powers and
Duties of
Board.

The secretary shall perform such duties as may be assigned to him by the Board. It shall also be the duty of the secretary of the Board to co-operate with the faculty of the Agricultural and Mechanical College and the staff of the Agricultural Experiment Station in the preparation of programs for institute meetings, and to attend the annual meeting of each county farmers' institute. The powers and duties of the Board of Agriculture shall include the collection and publication of statistical information concerning agriculture, horticulture, animal husbandry and kindred industries of Oklahoma, and it shall have supervision of the county farmers' institute system.

Said Board shall furthermore have power to adopt and devise such regulations as may be necessary to secure the efficient administration and proper enforcement of all laws which have for their object the preservation, protection and encouragement or improvement of any branch of agriculture, which same may be now in force or which may hereafter be enacted, except such as have already been specifically delegated to the Board of Regents of the Agricultural and Mechanical College and the Livestock Sanitary Commission.

Meetings of
Board; Com-
pensation of
Members.

SECTION 3. The Board of Agriculture shall hold meetings for the transaction of business at such times and places as the exigencies of the public interest may require, said meetings to convene on the call of the president of the Board; *Provided*, That said Board shall meet at the Territorial capital on the first Monday in July of each year for the purpose of organizing and electing officers; *And, Provided further*, that the annual meeting of said Board shall be held at the Territorial capital, beginning on the second Tuesday of February of each year, at which time new members shall be elected as hereinbefore provided; *And, Provided further*, That not more than twenty days shall be occupied in regular or called meetings in any one calendar year. Each member of said Board of Agriculture shall receive compensation at the rate of three dollars per day for each day spent in attendance upon meetings, and three cents per mile for each mile necessarily traveled going to and returning from said meetings, said per diem and mileage to be paid by the Territorial Treasurer upon warrants drawn by the Territorial Auditor.

Annual Re-
port of Board.

SECTION 4. The Board of Agriculture shall issue an annual report, summarizing the statistics collected as hereinafter provided, detailing an account of the work of the Board during the pre-

ceding year, reviewing the work of the county farmers' institutes, and containing an account of the proceedings of the annual meeting of the Board.

SECTION 5. Upon application of not less than fifteen farmers resident in one county, the Secretary of the Territory shall issue a charter for a corporation to be known as the county farmers' institute for such county. Each county farmers' institute shall hold its annual meeting at the county seat upon a date determined and announced by the Board of Agriculture. The programs of such annual meetings shall include the discussion of matters pertaining to agriculture and shall be published at least one month before the advertised date of the institute. Each institute shall, at its annual meeting, elect one delegate to the annual meeting of the Board of Agriculture. Delegates to the annual meeting of said Board shall receive compensation at the rate of two dollars per day for not more than three days and three cents per mile for each mile necessarily traveled in going to and returning from such meeting, said mileage and per diem to be paid by the Territorial Treasurer upon warrants to be drawn by the Territorial Auditor. Nothing in this Act shall be construed to prevent any county institute from holding meetings at such other times and places as its officers and members may determine.

Secretary to
Issue Charter
to County
Institute;
County Institute,
Meetings
of; Compensation
of
Delegates.

SECTION 6. It shall be the duty of each county clerk to make a return to the Board of Agriculture, on blanks furnished by said Board, setting forth the amount and value of the various kinds of live stock, acreage and yield of farm crops, number and variety of trees in orchard, small fruit and forest plantations, area of native forest, number, area, and storage capacity of artificial ponds and reservoirs, and such other relevant matter as said Board may direct, so

Duty of
County Clerk;
Misdemeanor.

far as shown by the returns of the several assessors. Failure of county clerks to comply with this section shall constitute a misdemeanor punishable by a fine of Five Hundred Dollars.

SECTION 7. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 8. This Act shall take effect and be in force from and after its passage and approval.

Approved March 8, 1901.

ARTICLE 2.—TO ENCOURAGE AGRICULTURE, HORTICULTURE AND STOCK RAISING.

SECTION.

1. County Commissioners to appropriate not to Exceed \$500.

SECTION.

2. Funds shall be Derived from County Contingent Fund.

AN ACT Authorizing County Commissioners to Encourage Agriculture, Horticulture and Stock Raising.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

County Commissioners, to appropriate not to Exceed \$500.00.

SECTION 1. That the county commissioners of the different counties of this Territory having a county fair association duly organized under the laws of Oklahoma are hereby authorized to appropriate any sum of money not to exceed \$500.00 each year to be offered as special premiums, such special premiums to be determined upon by the county commissioners and the directors of the fair association, which money shall be used to pay premiums of the county fair for exhibits of agricultural and horticultural products and improved stock.

Funds shall be Derived from County Contingent Fund.

SECTION 2. That the funds provided for in Section 1 of this Act shall be derived from any funds on hand and not otherwise appropriated in the contingent fund of the county and that the county commissioners shall audit and allow bills presented by persons to

whom premiums have been awarded as in other cases, on filing with said bill a certificate of the secretary and treasurer of the fair association, which shall state the person to whom the premium was awarded, the amount and the character of the exhibit for which said premium was awarded; *Provided*, That no part of said appropriation shall be allowed or paid for exhibitions of speed or races.

SECTION 3. That this Act shall take effect and be in force from and after its passage and approval.

Approved March 8, 1901.

CHAPTER III.

ANIMALS.

SECTION.

1. Lien for Feeding, Grazing and Herding.

SECTION.

2. Lien for Furnishing Feed.
3. Amount of Lien; Priority of.

AN ACT Relating to Liens on Domestic Animals.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That any person or persons employed in feeding, grazing, or herding any domestic animals, whether in pasture or otherwise, shall, for the amount due for such feeding, grazing or herding, have a lien on said animals.

SECTION 2. Any person or persons, partnership, firm or corporation within this Territory, or in any border county of the adjacent States, furnishing or providing to the owner of such domestic animals any corn, feed, forage or hay, for the sustenance of such domestic animals, shall, for the amount due for such corn, forage, feed and hay, have a lien on said animals.

SECTION 3. All liens, not to exceed in the aggregate twenty-five per cent of the value of such animals,

Lien for Feeding, Grazing and Herding.

Lien for Furnishing Feed.

Amount of Lien; Priority of.

against any domestic animal or animals for labor, grazing, herding, or feeding, or for corn, feed, forage or hay, furnished the owner of such domestic animals as herein provided, and actually used for such purpose, shall be prior to all other liens thereon, and no recital or stipulation in any mortgage or other incumbrance on any cattle so fed shall be held to supersede or vitiate the lien here provided for.

SECTION 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 5. This Act shall take effect and be in force from and after its passage and approval.

Approved February 28, 1901.

CHAPTER IV.

APPROPRIATIONS.

SECTION.

1. Appropriations General; Overdrawing Appropriation, Felony.
2. Governor's Contingent Expenses
3. Secretary, for Printing, Stationery, etc.
4. Superintendent and Auditor, Salary and Expense.
5. Treasurer, Salary and Expense.
6. Attorney General, Salary and Expense.
7. Librarian, Salary and Expense; Book Purchase.
8. Enforcement of Criminal Laws.
9. Clerk of Supreme Court, Expense.
10. Superintendent of Board of Health, Salary.
11. Care of Insane; Deficiency Appropriation.
12. Care of Convicts; Deficiency Appropriation.
13. Election Supplies and Proclamations; Quarantine Inspectors; Serving Requisitions.
14. Printing, Sixth Legislative Assembly.

SECTION.

15. Codifying Laws and Preparing Journals.
16. Supreme Court Stenographers.
17. Employees of House, Sixth Legislative Assembly.
18. Employees of Council, Sixth Legislative Assembly.
19. Bank Examiner, Salary and Expense.
20. Specific Deficiency Appropriation.
21. Historical Society, Appropriation for.
22. Governor's Report.
23. Territorial Geologist.
24. Manner of Printing Journals and Session Laws.
25. Journals, What to Contain.
26. Territorial Depositories, How Selected; Bond of.
27. Agricultural and Mechanical College.
28. Regents of Educational Institutions.
29. Governor's Secretary Expense.
30. Adjutant General, Salary and Expense.
31. Louisiana Purchase Centennial Exposition.

AN ACT Making Appropriations for Current Expenses of the Territory of Oklahoma for the Years 1901 and 1902, for Deficiency Appropriations and for Other and Miscellaneous Purposes.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. There is hereby appropriated out of the Territorial Treasury, from moneys not otherwise appropriated, in amount sufficient to pay the following sums, or so much thereof as may be necessary for the purpose for which it is appropriated, and the Territorial Auditor shall draw warrants upon the Territorial Treasurer for such portion thereof as may be found to be due upon auditing the respective claims in favor of the person to whom such claims are allowed; *Provided*, That all claims and accounts against the Territory shall be sworn to as true and correct before being audited; *And, Provided further*, That no warrant shall be drawn upon the Treasurer for any moneys appropriated by this Act in excess

Appropriations General; Overdrawing Appropriations, Felony.

of the amount allowed herein, and that the drawing of any warrant upon any fund after the appropriation herein made is exhausted, or the creating of any deficit, is hereby made a felony and punished accordingly, except as otherwise provided in this Act.

Governor's
Contingent
Expense.

SECTION 2. To the Governor of the Territory, for the years 1901 and 1902, the sum of Twenty-six Hundred Dollars per annum, for clerk hire and other incidental and contingent expenses not provided for by Acts of Congress.

Secretary, for
Printing, Sta-
tionery, etc.

SECTION 3. To the Secretary of the Territory, for the years 1901 and 1902, for stenographer, books, records, stationery, and incidental expenses of his office under the laws of the Territory, not provided for by the Act of Congress, the sum of Five Hundred Dollars per annum.

Superintend-
ent and Aud-
itor, Salary
and Expense.

SECTION 4. To the Superintendent of Public Instruction and ex-officio Territorial Auditor for his salary for the years 1901 and 1902, the sum of Eighteen Hundred Dollars per annum; for his deputy the sum of Twelve Hundred Dollars per annum; for clerk hire the sum of Six Hundred Dollars per annum; and for rent, light, fuel, stationery, blanks, printing, etc., the sum of Twenty-two Hundred Dollars per annum; and the sum of One Hundred Dollars per annum for traveling expenses.

Treasurer,
Salary and
Expense.

SECTION 5. To the Territorial Treasurer for his salary for the years 1901 and 1902, the sum of Eighteen Hundred Dollars per annum; and for the contingent expenses of his office, including clerk hire, rent, fuel, light, stationery, etc., the sum of One Thousand Dollars per annum; and the further sum of Five Hundred Dollars is hereby appropriated for the use and benefit of the Treasurer for money paid out and expended by him in complying with the order of the Secretary of the Interior, and the further sum of Five Hundred Dollars is hereby appropriated for the use and benefit of the Territorial Treasurer to be ex-

pended by him in securing a good and sufficient bond; the last above mentioned provision not to be available during the present term of office of the present incumbent. And the further sum of Two Hundred Dollars is hereby appropriated to the said Treasurer for the purchase of a fire-proof safe; *Provided*, That the said Treasurer is authorized to exchange the safe now used in his office as a part of the purchase price of a new safe if he deems it advisable so to do.

SECTION 6. To the Attorney General for his salary for the years 1901 and 1902, the sum of Eighteen Hundred Dollars per annum, and for the contingent expenses of his office, including assistant, clerk hire, light, rent, fuel, stationery, etc., the sum of Twelve Hundred Dollars per annum. And the further sum of One Hundred and Fifty Dollars is hereby appropriated for the use and benefit of the Attorney General to re-imburse him for money expended for furniture heretofore purchased by him.

Attorney General, Salary and Expense.

SECTION 7. To the Territorial Librarian for his salary, Seven Hundred and Twenty Dollars for each of the years 1901 and 1902, and for the contingent expenses of his office including rent, light, fuel, insurance, etc., for the years 1901 and 1902, the sum of Five Hundred and Twenty Dollars per annum; and the further sum of Four Hundred and Eighty Dollars for an assistant librarian per annum; and for the purchase of books for said library, the sum of Fifteen Hundred Dollars, to be expended under the direction of the Chief Justice of the Territory of Oklahoma. Also the further sum of Three Thousand Dollars to be applied on the indebtedness of the Territorial library, to be applied on the outstanding warrants in the order of their registration. The conducting and management of said library to be under the supervision

Librarian, Salary and Expense; Book Purchase.

of the Chief Justice of the Territory of Oklahoma and board of directors.

Enforcement
of Criminal
Laws.

SECTION 8. To the Governor of the Territory for the years 1901 and 1902, for the enforcement of the criminal laws of the Territory, Five Hundred Dollars per annum.

Clerk of Su-
preme Court,
Expense.

SECTION 9. For the expenses of the Clerk of the Supreme Court of the Territory, for the purchase of office furniture, supplies and other contingent expenses, not provided for by the United States government, the sum of Five Hundred Dollars for the year 1901, and for contingent expenses for the year 1902, the sum of Five Hundred Dollars, to be paid upon itemized accounts, approved by the Chief Justice of the Territory.

Superintend-
ent of Board
of Health,
Salary.

SECTION 10. For the salary of the Territorial Superintendent of Health for the years 1901 and 1902, a sum not to exceed Three Hundred Dollars per annum, to be paid upon itemized accounts duly verified, to be approved by the Governor.

Care of
Insane; Defi-
ciency
Appropri-
ation.

SECTION 11. For the care of the insane of the Territory for the year 1901, the sum of Sixty-five thousand (\$65,000) Dollars; and for the year 1902 the sum of Sixty-five Thousand (\$65,000) Dollars; and for the deficiency due Oklahoma Sanitarium Company for caring for the insane of the Territory in 1900, the sum of Nineteen Thousand, Three Hundred and Seventeen and 9-100 (\$19,317.09) Dollars; for the actual and necessary expenses of travel, and subsistence for the commitment of the insane, the sum of Four Thousand Five Hundred (\$4,500.00) Dollars per annum, for the years 1901 and 1902; *Provided*, That the Governor shall appoint a committee of three competent, regularly practicing physicians who shall visit the insane asylum four times a year and who shall examine the patients contained therein and report upon their condition and the sanitary conditions of the asylum and they shall have the power to peremptorily discharge

all persons detained therein who are not actually insane; *And, Provided further*, That each physician so appointed shall receive five dollars per day and actual expenses and that each visitation shall occupy not more than three days; it is also further provided, that the Governor of the Territory of Oklahoma shall have authority, and he is hereby directed, before the expiration of the present contract for the keeping and care of the insane of the Territory of Oklahoma, to make a new contract for the keeping and care of such insane until such time as an insane asylum for the Territory of Oklahoma may be so far completed that the officers thereof are ready to receive, treat and care for the insane of the Territory of Oklahoma, at which time the Governor of the Territory is hereby authorized and directed to transfer such insane from the place where they, at that time, are kept to the insane asylum for the Territory of Oklahoma; *Provided*, The contract price for the care of each person shall not exceed Two Hundred Dollars per annum.

SECTION 12. For the care of persons sentenced to the penitentiary from the Territory for the years 1901 and 1902, the sum of Twenty-eight Thousand Dollars per annum; and for the actual and necessary expenses of travel for the commitment of persons the sum of Four Thousand Dollars per annum for the years 1901 and 1902; and for deficiency in the appropriation for 1900 for the care of prisoners, Five Hundred and Sixty-three Dollars and twenty cents. *Provided*, That whenever a penitentiary for the Territory of Oklahoma is so far completed that the warden thereof is ready to receive, hold and care for prisoners of the Territory of Oklahoma, the Governor of said Territory is hereby authorized to transfer any prisoners who may be at that time in the penitentiary of the State of Kansas, at Lansing, Kansas, to the penitentiary of the Territory of Oklahoma. *Provided*,

Care of Convicts: Deficiency Appropriation.

further, That the sum of Five Thousand Dollars, or so much thereof as may be needed, is hereby appropriated to pay the expenses of such transfer of prisoners.

Election Sup-
plies and Proc-
lamations;
Quarantine
Inspectors;
Serving
Requisitions.

SECTION 13. For election supplies for the year 1902, the sum of One Thousand Dollars; for election proclamations to be published by the Governor as required by law for the year 1902, the sum of Three Hundred Dollars; for the salary and expenses of quarantine inspectors for the years 1901 and 1902, the sum of Three Thousand Five Hundred (\$3,500.00) Dollars per annum; for deficiency in appropriation for quarantine inspectors, as follows: Joe Sherman, the sum of One Hundred and Twenty-four (\$124.00) Dollars; R. H. Hahn, the sum of twenty-four (\$24.00) dollars; W. F. Cântelou, the sum of One Hundred (\$100.00) Dollars; W. E. Rogers, the sum of One Hundred (\$100.00) dollars; Sam Mathews, the sum of Two Hundred and Forty-five (\$245.00) Dollars; and J. P. Gandy, the sum of One Thousand (\$1,000.00) Dollars. For listing deeded lands for the years 1901 and 1902, the sum of Fifteen Hundred Dollars per annum; for the actual and necessary expenses of traveling and subsistence in serving Governor's requisitions, in felony cases only, the sum of Two Thousand Dollars per annum for the years 1901 and 1902; for printing proclamations of rewards offered by the Governor, and for the payment of such rewards, the sum of Seven Hundred and Fifty Dollars for each of the years 1901 and 1902.

Printing,
Sixth Legis-
lative
Assembly.

SECTION 14. A sum of money sufficient to pay any deficit which may remain unpaid for the publication of the laws passed by the Sixth Legislative Assembly and for the publication of the legislative journals, legislative bills, calendars and miscellaneous printing of the said Legislative Assembly, after the appropriation made by Congress for this purpose has

been exhausted, is hereby appropriated out of the Territorial Treasury to be paid on accounts approved by the Secretary, and on warrants drawn therefor by the Territorial Auditor; *Provided*, The amounts drawn against this appropriation shall not exceed Fifteen Thousand Dollars.

SECTION 15. For codifying the laws enacted by the Sixth Legislative Assembly and indexing the same, and preparing the journals of both Houses for publication the sum of Fifteen Hundred Dollars. Said work to be performed by a committee of two members of the House and one member of the Council, with a clerk from each House, which clerks and members of committee shall receive a salary of four dollars per day each. Said work to be finished in thirty days.

Codifying
Laws and
Preparing
Journals.

SECTION 16. For the purpose of defraying the expenses of stenographic work in the Supreme Court of the Territory in preparing and completing opinions of the judges thereof the sum of Seven Hundred and Fifty Dollars per annum for the years 1901 and 1902, or so much thereof as may be necessary is hereby appropriated.

Supreme
Court Stenog-
raphers.

SECTION 17. For clerk hire for the various committees and for the employes of the House of Representatives of the Sixth Legislative Assembly of the Territory of Oklahoma as follows: A. R. Museller, reading clerk, One Hundred and Eighty Dollars; A. L. H. Street, minute clerk, Two Hundred and Forty Dollars; T. W. Crowley, journal clerk, Two Hundred and Forty Dollars; J. R. Russell, docket clerk, Two Hundred and Forty Dollars; J. E. Carson, assistant sergeant-at-arms, Two Hundred and Forty Dollars; J. A. Nichols, assistant sergeant-at-arms, Two Hundred and Forty Dollars; John Ewing, janitor, One Hundred and Eighty Dollars; E. R. Baker, janitor, One Hundred and Eighty Dollars; Joseph Sharp,

Employes of
House, Sixth
Legislative
Assembly.

janitor, One Hundred and Eighty Dollars; W. R. Claybourn, janitor, One Hundred and Eighty Dollars; B. F. Jackson, janitor, One Hundred and Eighty Dollars; L. O. Harper, page, sixty dollars; Coy Watkins, page, sixty dollars; Harry Gilman, page, sixty dollars; Harry Naylor, page, sixty dollars; Dick Cassel, page, sixty dollars; Percy Welch, page, sixty dollars; I. F. Norris, watchman, Two Hundred and Forty Dollars; S. G. Morgan, enrolling and engrossing clerk, Two Hundred and Forty Dollars; M. H. Peebles, enrolling and engrossing clerk, One Hundred and Eighty Dollars; E. M. Bailey, enrolling and engrossing clerk, One Hundred and Eighty Dollars; Mamie Rice, enrolling and engrossing clerk, One Hundred and Eighty Dollars; M. A. Leohner, enrolling and engrossing clerk, One Hundred and Eighty Dollars; Leda Sniggs, enrolling and engrossing clerk, One Hundred and Eighty Dollars; Lulu Rison, enrolling and engrossing clerk, One Hundred and Eighty Dollars; John W. Savage, enrolling and engrossing clerk, One Hundred and Eighty Dollars; W. B. Smith, enrolling and engrossing clerk, One Hundred and Eighty Dollars; M. R. Hartshorn, enrolling and engrossing clerk, One Hundred and Eighty Dollars; Tot Hebron, clerk Committee on Public Buildings, One Hundred and Eighty Dollars; Trevelyn VanKirk, clerk Committee on Education, One Hundred and Eighty Dollars; Peter Becker, clerk Committee on Appropriations, One Hundred and Eighty Dollars; D. C. Smith, clerk Committee on Railroads and Criminal Jurisprudence, One Hundred and Eighty Dollars; E. H. Lookabaugh, clerk Committee on compensation of Public Officers, One Hundred and Eighty Dollars; Mabel E. Leach, clerk Committee on Judiciary, One Hundred and Twenty Dollars; J. E. Roush, clerk Committee on Ways and Means, Two Hundred and Forty Dollars; W. T. Judkins, clerk

Committee on Municipal Corporations, One Hundred and Eighty Dollars; George B. Robberts, secretary to the speaker, Two Hundred and Forty Dollars; Ocie Kedash, clerk Judiciary Committee, One Hundred and Twenty Dollars; Rev. Cohagan, chaplain, ninety dollars; Mabel E. Leach, rent of typewriter, six dollars; Ocie Kedash, rent of typewriter, six dollars; George B. Robberts, rent of typewriter, fifteen dollars; J. E. Roush, rent of typewriter, fifteen dollars; H. F. Ardery, chief clerk, postage, etc., twenty dollars.

SECTION 18. For clerk hire for the various committees and employes for council of the Sixth Legislative Assembly of the Territory of Oklahoma as follows: R. Q. Blakeney, first assistant clerk, Two Hundred and Forty Dollars; Pearl Hutchinson, assistant clerk, Two Hundred and Forty Dollars; C. C. Gray, assistant sergeant-at-arms, Two Hundred and Forty Dollars; R. J. Nesbit, assistant sergeant-at-arms, Two Hundred and Forty Dollars; A. R. Rhodes, assistant clerk, Two Hundred and Forty Dollars; Edith Holland, enrolling and engrossing clerk, One Hundred and Eighty Dollars; Nora Dawson, enrolling and engrossing clerk, One Hundred and Eighty Dollars; C. T. Barnes, enrolling and engrossing clerk, One Hundred and Eighty Dollars; Mrs. F. Boyer, enrolling and engrossing clerk, One Hundred and Eighty Dollars; J. F. Ferguson, enrolling and engrossing clerk, One Hundred and Eighty Dollars; J. D. Lydick, enrolling and engrossing clerk, Two Hundred and Forty Dollars; R. C. Echols, enrolling and engrossing clerk, One Hundred and Eighty Dollars; S. R. Springer, enrolling and engrossing clerk, One Hundred and Eighty Dollars; I. O. Diggs, enrolling and engrossing clerk, One Hundred and Eighty Dollars; A. Jacobs, assistant clerk, fifty-two dollars; Warren P. Gill, assistant watchman, Two Hundred and Forty Dollars; J. R. Carter,

Employes of
Council, Sixth
Legislative
Assembly.

assistant watchman, One Hundred and Eighty Dollars; C. J. Hess, assistant watchman, One Hundred and Eighty Dollars; J. N. Willett, janitor, Eighty Dollars; Gabriel Burdette, janitor, forty dollars; William English, janitor, One Hundred and Eighty Dollars; T. F. Hensley, secretary to president, Two Hundred and Forty Dollars; Wight Woolsey, page, sixty dollars; Willie Knight, page, sixty dollars; Cliff Caldwell, page, sixty dollars; Roy Miller, page, sixty dollars; Estella Miller, clerk of Committee on private corporations, One Hundred and Eighty Dollars; John L. Mitch, clerk of Committee on Ways and Means, Two Hundred and Forty Dollars; W. A. Parker, clerk of Committee on Railroads, One Hundred and Eighty Dollars; S. O. Chesney, clerk of Committee on County and County Affairs, One Hundred and Eighty Dollars; Louie Thomas, clerk of Committee on Judiciary, Two Hundred and Forty Dollars; Iowa Wray, clerk of Committee on Municipal Corporations, One Hundred and Eighty Dollars; C. O. Pitman, clerk of Committee on Public Land, Two Hundred and Forty Dollars; E. Madison, clerk of Committee on Quarantine Regulations, One Hundred and Eighty Dollars; J. E. Quein, clerk of Committee on Education, Two Hundred and Forty Dollars; Louie Thomas, rent of typewriter, fifteen dollars; J. D. Lydick, rent of typewriter, fifteen dollars; C. O. Pitman, rent of typewriter, fifteen dollars; J. E. Quein, rent of typewriter, fifteen dollars; J. L. Ferguson, rent of typewriter, six dollars; Willie Dickens, janitor, forty-eight dollars.

Bank Examiner, Salary and Expense.

SECTION 19. For the Bank Examiner of the Territory of Oklahoma for the years 1901 and 1902, the sum of Eighteen Hundred Dollars per annum for salary and Five Hundred Dollars per annum for expenses and clerk hire.

Specific Deficiency Appropriation.

SECTION 20. For the following specific deficiencies, to-wit: To John Golobie, for services at Omaha Ex-

position, Two Hundred and Forty Dollars; to the Atchison, Topeka and Santa Fe Railroad Company, cash advanced to Omaha Exposition fund, Seven Hundred Dollars; the Chicago, Rock Island and Pacific Railway Company, cash advanced to Omaha Exposition fund, Seven Hundred Dollars; to Choctaw, Oklahoma and Gulf Railroad Company, cash advanced to Omaha Exposition fund, Three Hundred and Fifty Dollars; D. J. Wallace, labor and material furnished the Langston University, One Hundred and Fifty Dollars; H. E. Straughen, county clerk witness fee, six dollars; A. J. Hartenbower, county clerk witness fee, six dollars; M. J. Wallace, sergeant-at-arms, fees, twenty dollars and seventy-five cents. Deficiency in election proclamations, for the year 1900, as follows: The Weatherford Democrat, three dollars and seventy-five cents; R. B. Quinn, four dollars and fifty cents; Stillwater Gazette, four dollars and fifty cents; Alva Pioneer, four dollars and fifty cents; Southwestern Progress, one dollar and seventy-four cents; Minnie Miller, clerk of the election commissioners, five dollars; Libbie Soward, rent for library, thirty-three dollars and forty-seven cents; W. S. Search, expenses of Bank Examiner, \$504.96; The State Capital Printing Company, the sum of \$750.00, deficiency in printing and supplies furnished various boards and officers of the Territory; C. G. Jones, the sum of \$104.50, for money advanced to expert bookkeeper, investigating committee for 1899; H. A. Platt, for warrants allowed different clerks on Codifying Committee, Legislative Assembly, 1897, the sum of \$235.00; to Dick T. Morgan, the sum of \$1,056.00 for 704 copies Morgan's Digest authorized to be purchased by Act of Legislative Assembly 1899; to the School Land Board, the sum of \$15.00; to John M. Pugh, deficiency expenses and salary as Bank Commissioner for the years 1897, 1898, 1899 and

1900, \$1,000.00; to the Northwestern Normal School at Alva, the sum of \$8,000.00 for the running expenses for said school up to the first of July 1901. For deficiencies in the executive office, the sum of \$169.73. To J. C. Strang, Attorney General, as per vouchers filed in the office of the Auditor of the Territory, \$138.10; to the Leader Printing Company, \$6.50; to George Thorton, janitor Attorney General's office, \$10.50; to R. G. Willis, \$5.50; to E. Randall, \$1.50; to N. F. Cheadle, \$9.25; to Albina Stevens, \$15.00; to Angie Penny, \$10.00; to Pabst Brewing Company, for ice, \$8.35; Ellen Martin, stenographer, \$30.00; John C. Foster, expenses on sub-committee, \$10.00; to J. F. Todd, expenses on sub-committee, \$10.00; to Paul Truitt, for stock killed by order of Sanitary Board, \$60.00; to Roy V. Hoffman, as reimbursement for money expended in recruiting and providing sustenance for volunteers previous to muster of Company "K" First Territorial Regiment of U. S. Volunteers, \$180.59. All deficiencies herein provided for shall be in full for all claims of that character against the Territory of Oklahoma.

Historical Society, Appropriation for.

SECTION 21. There is hereby appropriated for the years 1901 and 1902, the sum of One Thousand Dollars for the use of the Oklahoma Historical Society, to be used as the board of directors may direct; *Provided*, That the board of directors of the Oklahoma Historical Society are hereby empowered to remove the headquarters and the collections of said society from the University building at Norman whenever, in their judgment, a more suitable and safe place can be secured for the care and safe-keeping of the property of the society without incurring any additional indebtedness thereby; *Provided further*, That whenever the Territory shall have a capitol building the headquarters of said society shall be located in said capitol building.

SECTION 22. The Governor is hereby authorized Governor's Report. to purchase for free distribution five thousand copies of the Governor's report to the Secretary of the Interior for the year 1900, and not to exceed the sum of Twelve Hundred (\$1200.00) Dollars is hereby appropriated for said purpose; *Provided* no more shall be paid for such reports than they can be purchased for at the Government printing office at Washington.

SECTION 23. For the geological survey for the Territory by the Territorial Geologist, the sum of Three Hundred Dollars each year for the years 1901 and 1902. Territorial Geologist.

SECTION 24. It shall be the duty of the Secretary of Manner of Printing Journals and Session Laws. the Territory to direct and superintend the publication of the journals of the Council and House of the Legislative Assembly, and to require them to be printed in the most economical manner consistent with intelligent and proper work. The multiplication of lines or the breaking of proper sentences shall not be permitted, nor shall any unnecessary spacing or spreading of printed matter, whereby the measurement of the printer may be increased, be allowed. The provisions of this Act shall also apply to the printing of the Session Laws of the Legislative Assembly, and to all other public documents.

SECTION 25. In the publication of the journals of Journals, What to Contain. the two Houses of the Legislative Assembly the proceedings of each day shall be and constitute the official record of all the proceedings of the respective Houses, and no executive document, report, history of the bills or resolutions, introductions of bills or action thereon, or any other matter other than the above mentioned shall appear in the respective journals except one general index in each journal. And when the same matter is published more than once and when the printer's forms can reasonably be used more than once in making such publications,

there shall be but one charge allowed for the composition of such matter.

Territorial
Depositories,
How Selected;
Bond of.

SECTION 26. The Treasurer of the Territory, by and with the advice and approval of the Governor, may designate one or more banks in the Territory of Oklahoma to act as depositories for the deposit and collection of any drafts, checks or certificates of deposit or moneys that may come in his hands on account of any claims due the Territory. Each bank so designated as such depository shall be required to give securities consisting of a bond signed by some surety company authorized to do business in this Territory, or by the depositing of United States bonds or Territorial bonds or county and municipal bonds in the Territory; such bonds and securities to be at least equal in amount to the amount of Territorial funds to be held in such depository at any time. The form and kind of such suretyship bond and the legality and validity of the securities shall be such as to satisfy the Treasurer of the Territory, and receive the approval of the Attorney General, and also the approval of the Governor of the Territory. The security to be so given and deposited with the said Treasurer shall be conditioned to secure the prompt collection of all drafts, checks and certificates of deposit which may be delivered to such depository by the Territorial Treasurer for collection, and also for the keeping and prompt payment on the order or check of the Territorial Treasurer of all funds so collected and of all moneys so deposited, and also for the payment of all drafts or checks that may be issued to the Territorial Treasurer by such depository; such collections to be made and exchange to be furnished free of expense to the Territory. The proceeds of all drafts, checks and certificates of deposit or money which shall come into any depository so selected as aforesaid, may be permitted to remain on deposit in such institution

until such time as the Territorial Treasurer shall have occasion to use said funds in the conduct of his office. The Territorial Treasurer is hereby authorized and directed to enter into contracts with such bank or banks as have been selected or may hereafter be selected, to act as depositories aforesaid, for the payment of interest upon money so deposited therein; such contracts to receive the approval of the Governor before they shall take effect; such interest to be paid on daily balances at the end of each month, and to be credited to the general revenue fund of the Territory. Each bank acting as a Territorial depository shall at the close of each month's business certify to the Auditor of the Territory a true statement of the daily balances in said institution and belonging to the Territory at the close of each day's business, together with a statement of the amount credited to the Territory at the end of such month.

SECTION 27. For the construction of such buildings as the Board of Regents of the Agricultural and Mechanical College at Stillwater may determine, there is hereby appropriated out of the money in the treasury not otherwise appropriated, the sum of Eight Thousand Dollars to be paid out by the Territorial Treasurer upon warrants duly drawn by the Territorial Auditor upon sworn vouchers therefor approved by the Board of Regents of said college.

Agricultural
and Mechan-
ical College.

SECTION 28. For the expenses of the Board of Regents of the Agricultural and Mechanical College, of the Normal Schools and of the Territorial University for the years 1901 and 1902, the sum of Three Hundred Dollars per annum for each board; *Provided*, That any officer being a member ex-officio shall receive no per diem.

Regents of
Educational
Institutions.

SECTION 29. To Fred L. Wenner, for money expended in gathering and compiling statistics, photographs, maps and other data for the annual report of

Governor's
Secretary, Ex-
pense.

the Governor for the past three years, the sum of One Hundred Dollars.

Adjutant Gen-
eral, Salary
and Expense.

SECTION 30. To the Adjutant General for his salary for the years 1901 and 1902, the sum of Seven Hundred and Twenty Dollars per annum; and for contingent expenses of his office, for rent, light, fuel, stationery, etc., the sum of Five Hundred Dollars per annum for the years 1901 and 1902.

Louisiana
Purchase
Centennial
Exposition.

SECTION 31. There is hereby appropriated out of any funds in the Treasury of the Territory not otherwise appropriated the sum of Twenty Thousand Dollars, or as much thereof as may be necessary, for the erection, leasing or renting and equipment of a building upon the grounds of the Louisiana Purchase Centennial Exposition, at or near the City of St. Louis, in the State of Missouri, in the year 1903; said building to be erected, leased or rented, by a commission, to consist of three members, to be appointed by the Governor. If the said commission find it to the best interests of the Territory to erect a building they shall adopt plans and specifications therefor, and after such plans and specifications have been decided upon, the said commission shall advertise for bids for the erection of the same, and shall let the contract for the erection to the lowest responsible bidder. After the erection of such building the said commission shall take charge of the same, together with any exhibit that may be placed therein, shall employ such help as is absolutely needed for the care of the building and exhibit, and shall adopt such rules and regulations as they may deem necessary for the care and control thereof. The said commission shall elect one of their number as chairman and another as secretary, whose duty it shall be to approve all bills of expense, to pay for the erection of the building, the salary of the commission and help, the cost of collecting, caring for and transporting of the said ex-

hibit; *Provided*, That no warrant shall be drawn except upon vouchers duly sworn to; and no warrant shall be drawn for any amount in excess of the appropriation herein made. The said commissioners shall each receive as compensation for their services the sum of three dollars each per diem, when necessarily employed, together with actual expenses not to exceed two dollars per diem, and they shall fix the compensation to be paid to such help as is necessary in caring for the building and exhibit.

SECTION 32. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 33. This Act shall take effect and be in force from and after its passage and approval.

Approved March 8th, 1901.

CHAPTER V.

ARBORCULTURE.

SECTION.

1. Arbor Day.

SECTION.

2. Public Schools, Exercises.

AN ACT to Encourage Arborculture.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Arbor Day.

SECTION 1. The Friday following the second Monday in March of each year shall be hereafter known throughout Oklahoma as Arbor Day.

Public
Schools, Ex-
ercises.

SECTION 2. It shall be the duty of the authorities of the public schools in this Territory, to assemble the pupils in their charge on that day in the school buildings, or elsewhere, as may be deemed proper, to provide for and conduct, under the general supervision of the County Superintendent or City Superintendent or other chief officers having the general oversight of the public schools in each county or city, such exercises as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results.

SECTION 3. This Act shall take effect from and after its passage and approval.

Approved March 5, 1901.

CHAPTER VI.

ATTORNEYS.

SECTION.

1. Attorneys Prohibited from Becoming Surety on Cost Bond.

AN ACT Relating to Sureties in Civil and Criminal Actions.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. Licensed attorneys of this Territory are prohibited from signing any bonds as surety in any civil or criminal action, in which they may be employed as counselors, pending or about to be commenced in any of the courts of this Territory or before any justice of the peace. All such bonds shall be absolutely void and no penalty can be recovered of the attorney signing the same.

Attorneys
Prohibited
from Becom-
ing Surety on
Cost Bond.

SECTION 2. This Act shall take effect and be in force from and after its passage and approval.

Approved March 5, 1901.

CHAPTER VII.

LEGALIZING BOND ELECTION IN KINGFISHER COUNTY.

SECTION.

1. Legalizing Bond Election in
Kingfisher County.

AN ACT Legalizing Bond Election in Kingfisher County.

*Be it Enacted by the Legislative Assembly of the Territory
of Oklahoma:*

Legalizing
Bond Election
in Kingfisher
County.

SECTION 1. That the election held in Kingfisher County, on the 22nd day of January, 1901, for the purpose of voting Thirty Thousand (\$30,000) Dollars for the construction and building of a court house in the city of Kingfisher, in said county, be and the same is hereby legalized and that the Board of County Commissioners of the said Kingfisher County are hereby authorized and empowered to issue the bonds of the said county, for the purpose of constructing and building a court house, in a sum not exceeding Thirty Thousand (\$30,000) Dollars in accordance with said election.

SECTION 2. This Act shall take effect and be in force from and after its approval.

Approved March 8th, 1901.

CHAPTER VIII.

CITIES OF THE FIRST CLASS.

ARTICLE.

1. Authorizing Cities to Issue Scrip.

ARTICLE.

2. Paving, Curbing and Guttering Streets.

ARTICLE 1.—AUTHORIZING CITIES TO ISSUE SCRIP.

SECTION 1.

1. Election, Notice.
2. Scrip, How Issued.

SECTION.

3. Levy, How Made.

AN ACT Authorizing Cities to Issue Scrip.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That any city of the first class in this ^{Election, Notice.} Territory which owns or has in operation a system of water-works, is hereby empowered by ordinance at any time within sixty days after a majority of the legal voters of said city voting at said election shall, have voted in favor thereof at any special election held for that purpose or any special or general election at which the proposition shall have been submitted to provide for and to issue scrip to an amount not to exceed Five Thousand (\$5,000.00) Dollars for the purpose of drilling and sinking prospect wells for the purpose of obtaining and endeavoring to obtain artesian or other waters to supply such city with water, and the money which is obtained upon the issuance of said scrip shall be by such city used only for such purposes. Such a special election shall be held as nearly as possible in conformity to the general election laws of this Territory; and at any such general or special election the votes upon the proposition shall be counted and canvassed, the returns thereof made and the results declared as provided by the general election laws of this Territory; *Provided*, That notice of the submission of such proposition to the legal voters of such city shall be given

by the city clerk by publication in at least one newspaper of general circulation published in said city, which notice shall be published for at least thirty days immediately prior to such special or general election.

Scrip, How
Issued.

SECTION 2. The scrip issued under this Act shall be issued and made payable one-fifth (1-5) each year, beginning with one year from the date of such scrip, and shall bear interest at the rate not to exceed six per cent per annum, payable semi-annually; as evidenced by interest coupons attached thereto, such principal and interest to be payable at a place to be named in the scrip, and such scrip, shall recite that it is issued under this Act, and shall be sold at not less than par.

Levy, How
Made.

SECTION 3. Any city issuing scrip under this Act shall, at the time for making levies of the annual taxes for such city, levy by ordinance taxes sufficient to pay the payments falling due on such scrip each year and the semi-annual interest on all such, and such scrip, and such taxes shall be collected and paid into the city treasury as other taxes are collected, and the city treasurer of said city shall, on presentation of such scrip and the interest coupons thereon, pay the same as they mature, to the holder of such scrip, and such scrip shall be paid by and out of the funds raised by such annual tax levies, and if the amount collected on such levies is not sufficient to pay the amount due and coming due for that year the deficit, with interest, shall be included in and added to the amount to be levied to pay the amount of principal and interest on such scrip coming due the next year

SECTION 4. This Act shall take effect and be in force from and after its passage and approval.

Approved this 27th day of February, 1901.

ARTICLE 2.--PAVING, CURBING AND GUTTERING STREETS.

SECTION.

1. Power of Cities to Establish Grade; Compensation to Owners.
2. City Council, Action and Notice; Powers of City Council; Protest; Petition of Property Owners.
3. Abutting Property Charged With Cost of Improvement.
4. Procedure When No Protest Filed; Bond of Contractor.
5. Appraisers, How Appointed; Duties; City Marshal, Duties of.
6. Oath of Appraisers; Appraisalment; Report of.

SECTION.

7. City Clerk, Duties of; Property Discharged, When; Certificates of Assessment, When and How Issued; Levies, How Made.
8. Levies Against Property Certified to County Clerk; Owner May Redeem.
9. Suit to Enjoin, When Brought; New Assessment, When Made.
10. Levy for Construction of Storm Sewers and Outlets.
11. Proceeding Pending. Not to Affect.

AN ACT to Provide for the Improvement and Permanent Paving, Curbing and Guttering of Streets and Other Public Places Within Cities of the First Class.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. The mayor and council of cities of the first class of this Territory having a population of more than three thousand, as shown by the last Territorial or Federal census, are hereby empowered to establish and change the grade of all streets, avenues, lanes, alleys or other public places in their cities, and to permanently improve the same by paving, macadamizing, curbing, guttering or draining the same whenever in their judgment the public convenience may require such improvement, subject only to the limitations prescribed in this Act; *Provided*, That any change of a permanent established grade shall not be made without making due compensation to the owners of abutting property having permanent improvements erected thereon with reference to the previously established grade.

SECTION 2. When the city council shall deem it necessary to grade, pave or macadamize, gutter, drain or otherwise improve any street, avenue, alley or lane, or any part thereof, within the limits of the city, for which a special tax is to be levied as herein

Power of
Cities to Es-
tablish Grade;
Compensation
to Owners.

City Council,
Action and
Notice;
Powers of
City Council,
Protest;
Petition of
Property
Owners.

provided, such council shall by resolution declare such work or improvement necessary to be done, and such resolution shall be published for four consecutive weeks in some newspaper of general circulation in the city; and if the owners of a majority of the lots or parcels liable to taxation therefor shall not, within twenty days thereafter, file with the clerk of said city, their protest against such improvements, then such council shall have the power to cause such improvements to be made and to contract therefor and to levy the taxes as herein provided; *Provided*, That the property owners on any street or part of any street of not less than two thousand feet in length, may, by petition signed by a majority of such property owners, request the city council to pave such street or part of street with any material used for standard paving, to be designated in such petition. And it shall thereupon be the duty of the city council to proceed to pave such street in accordance with the prayer of such petition, and no resolution or notice of intention to pave or publication thereof shall be necessary.

Abutting
Property
Charged
With Cost of
Improvements.

SECTION 3. The abutting lots, pieces, or parcels of ground shall be charged with the cost of making any improvements herein specified, to the center of the block, where the abutting way is on the exterior of the block, and to the exterior of the block where the improvement is made on an alley or other public way in the interior of such block, each quarter block shall be charged with its due proportion of paving both the front and side streets on such block, together with the area formed by intersections and alley crossings, which cost shall be apportioned among the lots and sub-divisions of such quarter block according to the benefits to be assessed to each lot or parcel. If any portion of the improved district shall not be platted into lots and blocks, the council shall include such ground in the proper quarter

block district for the purpose of appraisement and assessment as herein provided.

SECTION 4. After the expiration of the time for objection or protest on the part of the property owners, if no sufficient protest be filed, the mayor and council may proceed with the work of paving, macadamizing, improving, draining, curbing or guttering any street, alley or public place, specified in such notice and shall cause to be prepared sections, profiles, and specifications for the work, together with the complete estimate of the costs. And the mayor and council shall have the power to adopt any material or methods for the construction of such improvements and to have such plans prepared in accordance with its directions as to the kind of material to be used. Upon the completion of the plans and specifications and their adoption by the city council, they shall advertise for sealed bids for the performance of such work for all the streets, alleys, or public places specified in the notice of intention, for at least ten (10) days if published in a daily newspaper, or at least two (2) weeks if published in a weekly newspaper, which paper shall be of general circulation in the city, and which notice may contain any reasonable conditions to be imposed by the city council with reference to the letting of such contract, and may require the giving of a good and sufficient bond for the faithful execution of the work, and for the protection of the city, and all property owners against any loss or damage by the negligent execution of such work, or bond for the maintenance of such work for a period of not less than five years, or both in the discretion of the city council. At the time and place specified in the notice, the mayor and council shall award the contract to the lowest responsible bidder for the work, furnishing the material which may be selected, which contract shall in no case exceed the estimate of cost submitted with the plans and specifications

Procedure
When No Pro-
test Filed;
Bond of
Contractor.

and shall be subject to the right of the mayor and council to reject any and all bids and to readvertise for other bids when none of the same are, in their judgment, satisfactory.

Appraisers,
Appointed;
Duties; City
Marshal,
Duties of.

SECTION 5. As soon as the contract is let and the cost of making the improvement on any street, avenue, alley or other public place is definitely ascertained, which shall also include all other expenses incurred by the city in addition to the contract price of the work, the mayor and council by ordinance shall appoint three (3) disinterested appraisers, freeholders of the city and not owners of any property to be assessed, and shall specify by such ordinance the hour and day when, and the place where, the said appraisers shall meet to begin the assessment of the benefits to each lot or parcel of ground chargeable against such lots, which ordinance shall be published in some daily newspaper published in said city, for at least ten (10) insertions, or at least two successive weeks in a weekly newspaper published in said city, which paper shall be of general circulation in the city, and the date for the meeting of the appraisers shall be fixed not less than twenty (20) days from the first publication. The city marshal shall also post at the corner of each quarter block affected, in some conspicuous place, a printed copy of such ordinance, and shall file an affidavit with the city clerk, of having posted such copy, giving the date of such posting, which shall be at least twenty (20) days in advance of the meeting of the appraisers, which affidavit shall be conclusive of the fact of posting such copy.

Oath of
Appraisers;
Appraise-
ment;
Report of.

SECTION 6. The Board of Appraisers before entering on their duties shall take an oath to fairly and impartially perform their duties and appraise the benefits to all the abutting property resulting from such improvements, and at the time and place specified in the ordinance aforesaid shall meet and pro-

ceed from thence to view and appraise the benefits to each lot, piece or parcel of ground as provided in Section Two (2) of this Act. The engineer shall accompany them and furnish them all contracts, estimates and apportionments of costs necessary to enable them to intelligently discharge their duties and the said appraisers shall embody their appraisements in a written report with the lots and subdivisions in each quarter block separately stated in such report, and file the same with the city clerk. The said appraisers may adjourn from day to day until their labors are completed and shall give any property owner a hearing with respect to his assessment, who shall desire to be heard.

SECTION 7. Upon the filing of such report the city clerk shall cause the same to be published in some newspaper published in the city, together with a notice that the city council will meet on a date to be named, not less than fifteen (15) days from the date of such publication, to hear and adjust any complaint and review such assessments at such meeting; and the mayor and council shall have power to revise, correct and review such appraisement and assessment and to raise or lower the same, to readjust or reapportion assessments in any particular, and their action in the premises shall be final, and shall embody such revision in an ordinance charging each tract with its proper share of the cost of making such improvement. After the making of such final assessment it shall be lawful for any property owner to pay the full amount thereof to the city treasurer, and to receive a certificate discharging his property therefrom. Upon the completion of the contract through any block by any contractor and the approval and acceptance of his work, the mayor and council shall cause certificates to be issued against all lots, tracts or parcels of ground for all assessments unpaid by the owner, which certificate shall recite the date of

City Clerk,
Duties of;
Property Dis-
charged,
When:
Certificates of
Assessment,
When and
How Issued;
Levies, How
Made.

the passage of the ordinance making the assessments, the name of the street upon which the improvement was made, the amount of the assessment, the description of the property against which the same is levied, and that the same will be levied against said property in ten (10) equal installments with interest thereon at the rate of seven per cent (7 per cent) per annum, levied each year, to pay the maturing installment and interest on all unpaid installments, and shall be signed by the mayor, and countersigned by the city clerk; *Provided*, That the aggregate amount of such warrants to be delivered to the contractor shall not exceed his contract price, and the city shall hold and retain for its own indemnity a sufficient amount of the same to cover other expenses than the contract price of executing the work; *And, Provided further*, That the mayor and council may retain all such individual tax warrants in the city treasury, and issue certificates in gross on the faith of such tax warrants payable to such contractor or bearer, not pledging the individual credit of the city and deliver the same to the contractor in such denominations as the city council may order payable in like installments, and bearing interest at the rate of not exceeding six per centum per annum, with interest coupons attached representing such installments of interest, and shall describe the street or streets included in any such contract and recite that the said certificates are secured by individual assessments against all the property abutting on the street or streets named, and that the collections from all such assessments are pledged for the payment thereof.

Levies
Against Prop-
erty Certified
to County
Clerk; Owner
May Redeem.

SECTION 8. The mayor and council shall each year levy on each tract, piece or parcel of ground, a sufficient sum in addition to other taxes, to discharge the maturing installment on each particular tract, with interest on the unpaid installment for such year, certify the same to the county clerk to be collected as

other taxes, and which money, when collected by the county treasurer, shall be paid to the holder of such certificate and endorsed thereon upon presentation of the certificate; *Provided*, That the owner of any tract, piece or parcel of ground may redeem his property from such special assessment at any time by paying the amount of unpaid installments to the county treasurer and the interest thereon until the maturity of the next succeeding installment, and upon presentation of the certificate against such property, the county treasurer shall pay the same in full and cancel the same and hold for delivery to the person making such redemption. The said assessment shall be a charge and lien against the property upon which assessed, until fully discharged, but unmatured installments shall not be deemed to be within the terms of any general covenant or warranty.

SECTION 9. No suit shall be sustained to set aside any assessment or certificate issued in pursuance of any assessment or to enjoin the city council from making any improvement other than for the failure of the city council to give the jurisdictional notice of the making of such assessment by the publication and posting of the ordinance appointing the appraisers and fixing the time of their meeting, unless brought within sixty (60) days after the passage of the ordinance making such final assessment. *And, Provided further*, That in the event any special assessment shall be set aside or be invalid in whole or in part, the city council may, at any time, in the manner herein provided for an original assessment, proceed to cause a new assessment to be made, which shall have the like force and effect as an original assessment.

Suit to Enjoin,
When
Brought; New
Assessment,
When Made.

SECTION 10. The mayor and council shall have power to levy a tax of not exceeding five mills in any one year, upon all taxable property of said city, for

Levy for Con-
struction of
Storm Sewers
and Outlets.

the purpose of constructing storm sewers and outlets in connection with the construction of the improvements herein provided for.

Proceeding
Pending. Not
to Affect.

SECTION 11. Any proceedings to pave, or improve any street, avenue, or other public place, pending at the time of the passage of this Act, shall not be affected by its passage as to any step previously taken, but all proceedings subsequent to the passage of this Act shall conform to the provisions hereof.

SECTION 12. All Acts and parts of Acts in conflict herewith, are hereby repealed.

SECTION 13. This Act shall take effect from and after its passage and approval.

Approved this 5th day of March, 1901.

CHAPTER IX.

CITIES, TOWNS AND VILLAGES.

ARTICLE.

1. Vacating Street in Town of Cherokee.

ARTICLE.

2. Wellston Water-Works.

ARTICLE 1.—VACATING STREET IN TOWN OF CHEROKEE.

SECTION.

1. Vacating Part of Sixth Street.

AN ACT to Vacate a Certain Street in the Town of Cherokee in Woods County.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Vacating Part
of Sixth
Street.

SECTION 1. All of that portion of Sixth (6th) street, lying between blocks thirteen (13) and fourteen (14) in the town of Cherokee, in the County of Woods, Territory of Oklahoma, be and the same is hereby vacated.

SECTION 2. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 2.—WELLSTON WATER-WORKS.

SECTION.

1. Board of Trustees; Power to Contract for Water-Works.
2. Powers of Board to Construct Water-Works; Procedure.

SECTION.

3. Trustees Empowered to Issue Bonds.
4. Board to Fix Water Rates.
5. Board to Employ Officers.

AN ACT to Authorize the Town of Wellston, Lincoln County, to Construct, Own, Control and Operate Water-Works, Fire Apparatus and for Other Purposes.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That the town of Wellston, County of Lincoln, Territory of Oklahoma, being incorporated under and by virtue of the laws of said Territory, is hereby granted full power and authority, by its Board of Trustees, to contract for and procure water-works to be constructed for the purpose of supplying the inhabitants of said town with water for domestic use, the extinguishment of fires, for manufacturing and other purposes, and to control the same after its construction.

SECTION 2. That the Board of Trustees of said town shall have power and authority to dig wells, build reservoirs, dam any river or stream, not navigable, and condemn and appropriate in the name of and for the use of said town, such land or lands located in or outside of the corporate limits thereof as may be necessary for the construction and operation of said waterworks, and to condemn, appropriate and divert the water from such stream or so much thereof as may be deemed necessary for such purposes. Whenever the Board of Trustees of said town shall determine to condemn or appropriate any land or divert any water for the purpose aforesaid, it shall cause a petition to be presented in the name of said town to the judge of the district court of the county in which said town is situated, setting forth

Board of Trustees; Power to Contract for Water-Works.

Powers of Board to Construct Water-Works; Procedure.

the necessity of the appropriation of land, and the diverting of said water for the erection and operation of waterworks or other purposes, and ask the appointment of three commissioners to lay off and condemn such lands and such water and the right to divert the same as may be necessary for such purposes, and to make such appraisements and assessments of damages. Said commissioners shall be citizens of the county in which said town is situated, such appointment shall be made on application in writing, signed by such judge under the seal of the county. All the proceedings of such commissioners shall be governed by the provisions of Sections Nos. 27, 28, 29, 30 and 31, of Article 9, Chapter 18, of the Statutes of Oklahoma, as far as the same are applicable and upon the payment made or deposit of the award of the commissioners to the clerk of the district court, as provided in said Section 31, Article 9, Chapter 18, said town shall be vested with the perpetual right to use the land so condemned and the right to divert such water condemned by such commissioners for the purpose mentioned in this Act, and such water and the right to divert the same as aforesaid, may at the option of said town, be described in capacity by a given number of gallons daily or as a quantity sufficient for the purposes aforesaid, and the exercises of this power shall be a continuing right and not exhausted by one or more exercises thereof; *Provided*, That the diverting of said water shall not change the regular channel or water course of such stream so dammed; *Provided further*, That if such town board can acquire by contract the property and rights provided for in Section 2, of this Act, then the same may be done without observing the procedure prescribed in said Section 2.

Trustees Empowered to
Issue Bonds.

SECTION 3. That to defray the cost of the erection and procuring such waterworks, the Board of Trustees of said town, are authorized and empowered to

issue bonds of said town, in a sum not to exceed Sixteen Hundred Dollars, such bonds to bear interest at the rate of not exceeding six per cent per annum, payable annually, for which interest coupons shall be attached to said bonds, said bonds shall run twenty years, payable at any time after ten years at the will of said town, said bonds when issued by said town shall be signed by the President of the Board of Trustees thereof, and countersigned by the clerk thereof, and said bonds shall be issued as aforesaid in sums ranging from One Hundred to One Thousand Dollars, and said bonds shall be sold by said town treasurer and said bonds shall be sold at not less than their face value, and said treasurer shall before taking possession of said bonds, for the purpose aforesaid, execute to said town a good and sufficient bond to cover all liabilities herein created, said bond to be approved by the President and Trustees of said town of Wellston.

SECTION 4. The Board of Trustees of said town, in Board to Fix Water Rates. connection with the President of said Board, shall have the power and authority, and it shall be their duty to fix the rates of water rents or taxes to be paid by the consumer, and to ordain such rules and regulations with appropriate penalties for the violation thereof, as the Board of Trustees of said town may deem proper for the regulation and protection of said waterworks.

SECTION 5. The Board of Trustees of said town Board to Employ Officers. shall have the power to appoint and employ all such engineers and other officers to superintend and operate such waterworks, both during and after the construction of the same, as may be necessary and to do all acts for the erection or operation, alteration, and repair of said waterworks, as may from time to time, in the judgment of said Board of Trustees, be

necessary, by and with the consent of the President of the Board of Trustees of said town.

SECTION 6. This Act shall take effect and be in force from and after its passage and approval.

Approved this 20th day of February, 1901.

CHAPTER X.

CONVEYANCES.

SECTION.

1. Real Estate Conveyances Must Be in Writing and Signed by Husband and Wife.

SECTION.

2. Legalizing Conveyances Made Under Heretofore Existing Law.

AN ACT to Amend Section 4 of Chapter 8 of the Session Laws of Oklahoma, 1897, and for Other Purposes.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Real Estate Conveyances Must Be in Writing and Signed by Husband and Wife.

SECTION 1. That Section 4, of Chapter 8, of the Session Laws of Oklahoma, 1897, entitled "An Act to regulate the conveyance of real property and mortgages thereon, and contracts relating thereto, and repealing Article 1, of Chapter 21, entitled 'Conveyances,' and Chapter 82, entitled 'Transfers,' of the Oklahoma Statutes of 1893, and other Acts and parts of Acts," be, and the same is hereby amended to read as follows:

SECTION 4. No deed, mortgage or other conveyance relating to real estate or any interest therein, other than for a lease for a period not to exceed one year, shall be valid until reduced to writing and subscribed by the grantors; and no deed, mortgage or contract relating to the homestead exempt by law, except a lease for a period not exceeding one year, shall be valid unless in writing and subscribed by both husband and wife, where both are

living and not divorced, except to the extent hereinafter provided.

SECTION 2. All deeds, mortgages and contracts relating to real estate or any interest therein executed since the taking effect of the said Chapter 8, of the Session Laws of Oklahoma, 1897, executed in accordance with the provisions of this Act are hereby declared to be legal and valid.

Legalizing
Conveyances
Made Under
Heretofore
Existing Law.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

CHAPTER XI.

CORPORATIONS.

ARTICLE.

1. Authorizing Corporations to Amend their Articles of Incorporation.
2. Duties of Foreign Corporations.

ARTICLE.

3. Railroads.
4. Railroads.
5. Trust Companies.

ARTICLE 1.—AUTHORIZING CORPORATIONS TO AMEND THEIR ARTICLES OF INCORPORATION.

SECTION.

1. Procuring New Charter; Procedure.

AN ACT Authorizing Incorporated Companies to Amend Their Articles of Incorporation.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That from and after the passage and approval of this Act it shall be lawful for any railroad company or other corporation organized under the laws of the Territory of Oklahoma, for which a charter has been issued to amend its articles of incorporation in any particular competent to have been embodied or inserted in the original articles of incorporation of such company. In order to amend its articles of incorporation it shall be necessary for new articles to be filed, signed by all the directors and of-

Procuring
New Charter;
Procedure.

ficers of the company which shall be entitled, "Amended Articles of Incorporation," which amended articles of incorporation as to substance shall fully comply with the provisions of Chapter Seventeen, Statutes of Oklahoma, 1893, and shall contain the amendments desired set forth clearly and specifically; that when said articles are so amended as aforesaid they shall be filed with the Secretary of the Territory, who shall cause an amended charter to issue, signed by the Governor, and attested by the seal of the Territory, from which date the amendments shall relate back and be considered and be a part of the original articles of incorporation to the same effect as if originally set forth therein; that nothing in this Act shall be construed as authorizing an increase of the capital stock by amending articles and causing an amended charter to issue.

SECTION 2. That this Act shall take effect and be in force from and after its passage and approval.

Approved March 5th, 1901.

ARTICLE 2.—DUTIES ON FOREIGN CORPORATIONS.

SECTION.

- | | |
|------------------------------|--|
| 1. Agent to Be Appointed and | |
| Accept Service of Process; | |
| Actions Brought, Where. | |

AN ACT to Amend Section 3 of Article 21, Chapter 17, of the Laws of 1893, Relating to the Duties of Foreign Corporations and for Other Purposes.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That Section 3, of Article 21, Chapter 17, of the Statutes of Oklahoma, 1893, be, and the same is hereby amended to read as follows:

SECTION 3. Such corporations shall appoint an agent, who shall reside at some accessible point in this Territory, in the county where the principal busi-

Agent to Be
Appointed
and Accept
Service of
Process;
Actions
Brought,
Where.

ness of said corporation shall be carried on, or at some place in said Territory, if such corporation has no principal place of business herein, duly authorized to accept service of process and upon whom service of process may be made in any action in which said corporation may be a party; and that any such action may be brought in the county where such agent resides or in any county in which the business, or any part of it, out of which said action arose, was transacted; and service upon such agent shall be taken and held as due service upon such corporation. A duly authenticated copy of the appointment or commission of such agent shall be filed and recorded in the office of the Secretary of the Territory and Register of Deeds of the county where said agent resides, and a certified copy thereof by the Secretary or Register of Deeds shall be conclusive evidence of the appointment and authority of such agent.

SECTION 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 20th day of February, 1901.

ARTICLE 3.—RAILROADS.

SECTION.

1. Powers of Railroad Corporations.

An Act to Amend Section 9, Article 9, of Chapter 17 of the Statutes of Oklahoma, of 1893, Relating to Corporations.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That Section Nine, of Article Nine, of Chapter Seventeen, of the Statutes of Oklahoma, for the year 1893, relating to corporations, be, and the same is hereby amended, by inserting after the word

Powers of
Railroad
Corporations.

“made” in the second line of the first paragraph of said section, the words “either within or without this Territory,” and by inserting after the word “property” in the second line of the second paragraph of said section, the words “either within or without this Territory” and by inserting after the word “property” in the second line of the third paragraph of said section, the words “either within or without this Territory,” and by inserting after the word “width” in the fourth paragraph of said section, the words “either within or without this Territory,” and by inserting after the word “power” in the third line of the eighth paragraph of said section, the words “either within or without this Territory,” so that said section shall read as follows:

SECTION 9. Every corporation formed under this article and every railroad corporation, authorized to construct, operate or maintain a railroad within this Territory, shall be a body corporate by the name designated in its articles, shall have perpetual succession, shall have the right to sue and be sued, may have a common seal and alter the same at pleasure, and shall also have power:

First: To make surveys: To cause such examination and surveys for its proposed railroad to be made either within or without this Territory, as may be necessary to the selection of the most advantageous route; and for such purpose by its officers or agents and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damage which shall be done thereto.

Second: To hold real estate: To take and hold such voluntary grants of real estate and other property either within or without this Territory, as may be made to it; to aid in the construction, maintenance and accommodation of its railroad; but the real estate received by voluntary grant shall be held and used for the purposes of such grant only.

Third: Same: To acquire under the provisions of this article, or by purchase, all such real estate and other property either within or without this Territory, as may be necessary for the construction, maintenance and operation of its railroad, and the station, depot grounds, and other accommodations reasonably necessary to accomplish the objects of its incorporation; to hold and use the same, to lease or otherwise dispose of any part or parcel thereof, or sell the same when not required for railroad uses, and no longer necessary to its use.

Fourth: To lay out road, etc.: To lay out its road not exceeding one hundred feet in width, either within or without this Territory, and to construct the same; and for the purpose of cuttings and embankments and of obtaining gravel or other material, to take such land as may be necessary for the proper construction, operation and security of the road, and for the protection of such road from snow, and to cut down any standing trees that may be in danger of falling on the road, making compensation therefor as provided by law for lands taken for the use of the corporation.

Fifth: Construction of road: Subject to the provisions of Section 1019, to construct its railroad across, along, or upon any stream of water, water-course, street, highway, toll, or wagon road, plank road, turnpike, wharf, levee, river front, steamboat or other public landing, or canal which its route shall intersect, or touch; to carry any highway, street, toll, or wagon road, plank road, or turnpike, which it shall touch, intersect, or cross, over or under its track, as may be most expedient for the public good; to change the course or direction of any highway, street, turnpike, toll or wagon road, or plank road, when made necessary or desirable to secure more easy ascent or descent by reason of an embankment or cut made in the construction of the railroad,

and take land necessary therefor; *Provided*, Such highway, or road be not changed from its original course more than six rods, nor, its distance lengthened more than five rods.

Sixth: To connect with other roads: To cross, intersect, join, and unite its railroad with any railroad heretofore, or hereafter constructed, at any point on its route, and upon the grounds of such railroad corporation, with the necessary turnouts, sidings, and switches, and other conveniences in furtherance of the objects of its connections. And every corporation whose railroad is or shall be hereafter intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersection and connections and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of the compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined in the manner provided by law for the ascertainment and determination of damages for the taking of real property. But no corporation which shall have obtained the right of way and constructed its road at the point of intersection before the application for the appointment of commissioners may be made shall be required to alter the grade or change the location of its road, or be required to bear any part of the expense of making and maintaining such crossings.

Seventh: Depot grounds, etc.: To have and use equal room, ground, rights, privileges and conveniences for tracks, switches, sidings and turnouts upon any levee, river bank or front, steamboat or other public landing, and upon any street, block, alley, square, or public ground within any incorporated town or city, any charter or ordinance of any such town or city to the contrary notwithstanding; and to accomplish this, may adjust, with other corporation the ground to be occupied by each with such tracks,

switches, sidings and turnouts; and if such corporation cannot agree upon such adjustment, and the amount of compensation to be paid for the purchase or necessary change of location and removal of any track previously laid, the same shall be ascertained and determined, and the common, mutual and separate rights adjusted in the manner provided by law for the ascertainment and determination of damages for the taking of real property. The commissioners provided by law may employ a competent engineer, and define, locate and plat the ground and assign to each corporation the part for the tracks and other conveniences for each, and may require the removal or purchase of tracks previously laid, so as to justly settle the rights of each corporation upon such ground, and assess the damages to be paid under the law providing for the taking of real property.

Eighth: To carry persons and property: To take and convey persons or property over their railroad by the power or force of steam or of animals, or by any mechanical power either within or without this Territory, and to receive compensation therefor, and to do all the business incident to railroad corporations.

Ninth: To erect buildings: To erect and maintain all necessary and convenient buildings, stations, fixtures and machinery for the accommodation and use of their passengers, freight and business, subject to the statutes in relation thereto.

Tenth: To establish time tables: To regulate the time and manner in which passengers and property shall be transported, and the compensation to be paid therefor.

SECTION 2. This Act shall take effect and be in force from and after its passage and approval.

Approved this 20th day of February, 1901.

ARTICLE 4.—RAILROADS.

SECTION.

1. May Lease or Sell. |

AN ACT to Amend an Act. Entitled "An Act to Authorize Railroad Companies to Sell and Lease Their Railroads, Property and Franchises." Approved February 24, 1899.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

May Lease
or Sell.

SECTION 1. That Section One, of an Act entitled "An Act to authorize railroad companies to sell and lease their railroads, property, and franchises," approved February 24, 1899, be and hereby is amended by inserting after the word "Territory" in the fourth line of said Act, the words "and any railroad company organized under the laws of this Territory owning a line of railroad either within or without this Territory," so that said section shall read as follows:

SECTION 1. Any railroad company, whether organized under the laws of this Territory or of any other State or Territory of the United States, owning any railroad in this Territory, and any railroad company organized under the laws of this Territory owning a line of railroad either within or without this Territory, may sell or lease the whole or any part of its railroad and branches constructed or to be constructed, or any interest therein, together with all the property, rights, privileges, and franchises thereto pertaining to any other railroad company organized or existing under the laws of this Territory, or of any other State or Territory, or of the United States; *Provided*, That no such sale or lease shall be entered into unless the line of railroad so sold or leased shall, when constructed, form a continuous line of railroad with the road of the company purchasing or leasing the same, either by direct connection therewith, or through an intermediate line or

lines, constructed, or to be constructed, which such purchasing or leasing company shall have the right by contract or otherwise when completed to use or operate, and any railroad company of this Territory, or of any other State or Territory, or of the United States, which shall so purchase or lease a railroad or railroads in this Territory shall possess and enjoy, within this Territory all the rights, powers, privileges, and franchises conferred by the laws of this Territory upon a railroad corporation formed there under.

SECTION 2. This Act shall take effect and be in force from and after its passage and approval.

Approved this 20th day of February, 1901.

ARTICLE 5.—TRUST COMPANIES.

SECTION.

1. Articles of Agreement, What to Contain.
2. Articles of Agreement, Where Filed and Recorded.
3. Certificate of Organization.
4. Corporation May Be Created; For What Purpose.
5. Safety Vault Boxes, Manner of Keeping.
6. Amount of Capital Stock; Board of Directors, How Elected; Vacancy, How Filled.
7. Directors, Powers of; Dividends, Declared How; Directors, Liabilities of.
8. Board of Directors' Report to Stockholders; Report to Secretary of Territory; Publication of Statement How Made; False Statement, Penalty; County Attorney, Duties of.
9. Liability of Stock Held by Executor, Administrator, Guardian or Trustee.

SECTION.

10. Executors, etc., Holding Stock Shall Vote, When.
11. Books, Open for Inspection.
12. Capital Stock, Increased or Diminished.
13. Meeting of Stockholders to Increase or Diminish Capital Stock, How Called.
14. Chairman and Secretary of Meeting, How Chosen; Report of Meeting to Secretary of Territory; Certificate of Secretary of Territory.
15. Specific Powers of Corporations; Deposit Made With Treasurer of Territory; Certificate of Territorial Treasurer; Liability of Deposit.
16. Stockholder Liable, When.
17. Inspection by Bank Examiner and Duties of.

AN ACT Relating to Savings and Trust Companies, Providing for the Organization, Management, Control, Regulation and Supervision Thereof, and Providing for Penalties for the Violations of the Provisions of This Act.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. Any three or more persons who shall have associated themselves by articles of agreement, Articles of Agreement, What to Contain.

in writing as provided by law, for any of the purposes included under Section 4 of this article, may be incorporated under any name or title designating such business. The articles of agreement shall set out:

First, the corporate name of the proposed corporation, which shall not be the name of any other corporation heretofore incorporated in this Territory for similar purposes, or an imitation of such name.

Second, the name of the city or town and county in which the corporation is to be located.

Third, the amount of the capital stock of the corporation authorized by the articles of agreement, the number of shares into which it is divided, the amount of capital stock actually subscribed in good faith at the time of the filing of such articles, which shall not be less than Two Hundred Thousand Dollars; and said articles shall further state that at least one-half of the capital so subscribed has been actually paid up in lawful money of the United States, and is in the custody of the persons named as the first board of directors or managers.

Fourth, the names and places of residence of the several shareholders and the number of shares subscribed by each.

Fifth, the number of the board of directors or managers and the names of those agreed upon for the first year.

Sixth, the number of years the corporation is to continue, which in no case shall exceed fifty years.

Seventh, the purposes for which the association or company is formed.

SECTION 2. The articles of agreement shall be signed and acknowledged by the parties thereto and recorded in the office of the recorder of deeds of the county in which the corporation is to be located, and a certified copy of such recorded instrument shall be filed in the office of the Secretary of the Territory.

Articles of
Agreement,
Where Filed
and Recorded.

SECTION 3. The Secretary of the Territory shall Certificate of Organization. thereupon give a certificate setting forth that such corporation has been duly organized and the amount of its authorized and subscribed capital, and such certificates shall be taken by all the courts of this Territory and other places as evidence of the corporate existence of such corporation. The persons so acknowledging such articles of association and their associates and successors shall, for the period not to exceed fifty years next succeeding the issuing of such certificate by the Secretary of the Territory, be a body corporate, and by such name they and their successors shall be entitled to have, possess, and enjoy all the rights and privileges conferred by law upon corporations, subject to the provisions of this article.

SECTION 4. Corporations may be created under this article for any one or more of the following purposes: Corporations May Be Created; For What Purposes.

First, to receive money in trust and to accumulate the same at such rate of interest as may be obtained or agreed upon, or to allow such interest thereon as may be agreed, not exceeding in either case the legal rate; and the payment to them or their order of deposits made by minors shall be binding on them; to receive upon deposit for safe keeping personal property of every description; to guarantee special deposits, and to own or control a safety vault and rent the boxes therein.

Second, to accept and execute all such trusts and perform such duties of every description as may be committed to them by any person or persons whatsoever, or any corporation, and act as assignee, receiver, trustee and depository, and to accept and execute all such trusts and perform such duties of every description as may be committed or transferred to them by order, judgment or decree of any of the

courts of record of this Territory or of any State, or of the United States.

Third, to take, accept and hold by the order, judgment or decree of any court of this Territory, or of any State or Territory of the United States, or by gift, grant, assignment, transfer, devise or bequest of any person or corporation, any real or personal property in trust, and to execute and perform any and all such legal and lawful trusts in regard to the same upon the terms, conditions, limitations and restrictions which may be declared, imposed, established, or agreed upon in and by such order, judgment, decree, gift, grant, assignment, transfer, devise or bequest, and to execute as principal or surety, and to guarantee against loss any principal or surety upon any bond or bonds required by law to be given in any proceeding in law or equity in any of the courts of this Territory, or other State or of the United States.

Fourth, to act as agent or attorney in fact for any person or corporation in the management and control of real or personal property and the sale or conveyance of the same, and for the investment of money, and to act for and represent corporations or persons under power and letters of attorney, and as agents for persons and corporations for the purpose of issuing, registering, transferring or countersigning the certificates of stock, bonds or other evidences of debt of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon.

Fifth, to accept from and execute trusts for married women in respect to their separate property, whether real or personal, and act as agent for them in the management of such property, and generally to have and exercise such powers as are usually had and exercised by trust companies.

Sixth, to act as executor under last will or at the

instance of any person entitled to any administration or guardianship of any estate, as administrator of the estate of any deceased person, or as guardian or curator of any infant, insane person, idiot or habitual drunkard, or trustee for any convict in the penitentiary under the appointment of any court of record having jurisdiction of the person or estate of such deceased person, infant, insane person, idiot, habitual drunkard or convict.

Seventh, to guarantee the fidelity and diligent performance of their duty of persons or corporations holding places of public or private trust, to guarantee or become surety on any bond given by any person or corporation and to reinsure or guarantee any person or corporation against loss or damage by reason of any risk assumed by insuring the fidelity or diligent performance of duty of any such person or corporation, or by guaranteeing or becoming surety on any bond; to guarantee the principal or interest, or both, of any securities of any kind, and to certify and guarantee titles to real estate.

Eighth, to loan money upon real estate and collateral security, and execute and issue its notes and debentures payable at a future date, and to pledge its mortgages on real estate and other securities as security therefor, which notes and debentures may be issued to an amount not exceeding, in the aggregate, ten times the amount paid up on the capital stock of the company issuing the same, and shall in no case exceed the amount of the first mortgages pledged to secure their payment.

Ninth, to buy and sell the bonds and warrants of this Territory, and all other kinds of government, state or municipal bonds and all kinds of negotiable and non-negotiable paper, stocks and other investment securities.

SECTION 5. Any corporation which has been authorized or may hereafter be authorized to own or con-

Safety Vault
Boxes,
Manner of
Keeping.

trol a safety vault and rent the boxes therein, may, if the amount due for the use of any safe or box in the vault of such corporation shall not have been paid for two years, at the expiration thereof, cause to be sent to the person in whose name such safe or box stands on its books, a notice in writing, in a securely closed postpaid registered letter, directed to such person at his postoffice address as recorded upon the books of the corporation, notifying such person that if the amount then due for the use of such safe or box is not paid within sixty days from the date of such notice, the corporation will then cause such safe or box to be opened in the presence of its president, or vice president, or secretary or treasurer, and of a notary public not an officer or in the employ of the corporation, and the contents thereof, if any, to be sealed up by such notary public in a package, upon which such notary shall distinctly mark the name and address of the person in whose name such safe or box stands upon the books of the corporation, and the estimated value thereof; and the package so sealed and addressed when marked for identification by such notary public will be placed by such notary public in one of the general safes or boxes of the corporation and retained by the corporation, subject to the payment of all rent that may be unpaid and of all expenses incurred in opening the safe or box, and also of a reasonable compensation for the safe keeping of the contents after their removal from the safe or box.

Amount of
Capital Stock;
Board of
Directors,
How Elected;
Vacancy,
How Filled.

SECTION 6. The amount of capital stock actually subscribed of any corporation organized under this article shall not be less than Two Hundred Thousand Dollars, one-half of which must be paid in cash when articles are filed and the remainder within six months thereafter, which fact must be certified without delay by the president and secretary of such com-

pany to the Secretary of the Territory, and the amount of capital authorized by such article shall not be more than Ten Millions of Dollars. The property or business of the corporation shall be controlled and managed by directors, not less than five nor more than twenty-five in number, who shall respectively be stockholders of such corporation, to be elected by ballot by the shareholders of such corporation for one year, if the number of directors of such corporation does not exceed five, at such time and place as shall be directed by the by-laws of such corporation, of which time and place at least two week's notice shall be published in some newspaper published at least once a week in the city or county in which the corporation is located, and if there be no newspaper published in such county, then in any paper published in this Territory, which circulates in the locality where such corporation is located. Such election shall be made by such of the shareholders as shall attend in person or by proxy in writing. In case the election shall not be made on the day named, the said corporation shall not thereby be dissolved, but an election may be had at any other time agreeable to the by-laws of said corporation, and the persons so elected shall hold their office until others are elected and qualified. If the number of directors of such corporation named in the articles of association shall exceed five in number, they shall, as soon as may be after their organization, divide themselves by ballot into three classes of equal number as near as may be, designated the first, second and third class, of which the first class shall remain in office one year, the second class two years, and the third class three years; and at each annual election conducted in the manner hereinbefore designated, directors shall be elected for the term of three years to fill the vacancies created by the retiring class. In case of death or resig-

nation of one or more of said directors, the survivors shall fill the vacancy until the next election.

Directors,
Powers of;
Dividends,
Declared
How;
Directors,
Liabilities of.

SECTION 7. The directors of corporations created under this article shall have power of investing the moneys placed in their charge in loans secured by real estate or other sufficient collateral security, in public bonds of the United States or of this Territory, or of any state, or in the bonds or stocks of any county or school district, or any incorporated city, town or village of any state or in this Territory or in the Indian Territory. Such corporation shall own only such real estate as may be required for the transaction of their business and such as they may acquire in the enforcement and collection of debts or liabilities due to them. Dividends of the profits of the corporation may be declared by the trustees or directors thereof every six months, or oftener, as the directors may elect; but no such dividends shall be made and paid to the stockholders while such corporation is in an insolvent condition, nor shall any dividends be declared which would render such corporation insolvent; and if the directors of any such corporation shall knowingly declare and pay any dividends when the corporation is insolvent, or any dividend, the payment of which would render it insolvent, they shall be jointly and severally liable for all debts contracted while they shall respectively continue in office; *Provided*, That if any of the directors shall object to the declaring of such dividends, or to the payment of the same, and shall at any time before the time fixed for the payment thereof, file a certificate of their objections in writing, with the clerk of the corporation and with the clerk of the district court of the county, they shall be exempt from the said liability.

Board of
Directors' Re-
port to
Stockholders;

SECTION 8. The board of directors of the corporation shall keep correct accounts of their transactions,

and have full statements of the condition of the affairs of such corporation made out and exhibited to the stockholders as often as once in each year, at least ten days before the day of election. The board of directors, whenever required to do so by the Secretary of the Territory, and within fifteen days after the date of the call made by him, shall also furnish a statement, the form of which shall contain such particulars as the said Secretary may prescribe of the actual condition of such corporation at the close of business on the day designated, and which day shall be prior to such call; said statement to be filed in the office of the said Secretary. Said statement shall be certified under oath by the president and secretary (or two principal officers) of such corporation, and verified by the affidavits of three of the directors or stockholders, to be appointed by the board for the purpose of making an examination of the affairs of the corporation, which will qualify them personally to make the sworn statement as provided below. The affidavits appended shall be in the following words:

Report to
Secretary of
Territory;
Publication of
Statement,
How Made;
False State-
ment,
Penalty;
County At-
torney,
Duties of.

Territory of Oklahoma, }
County of..... } ss.

We,president, and
secretary of the, do solemnly swear
that the above statement is true to the best of our
knowledge and belief.

.....
.....

Subscribed and sworn to before me this.....day
of.....Nineteen Hundred and.....

.....
.....

(Seal)

We, directors (stockholders) of the....., do
solemnly swear that we have made thorough personal

examination of the books, papers, property and affairs of said corporation, and that the above statement is true to the best of our knowledge and belief.

.....

.....

Subscribed and sworn to before me this.....day
of..... Nineteen Hundred and.....

.....

.....

(Seal)

A summary of the statement required shall be published by such corporation at least once in one or more daily newspapers published in the city or county where it is located, if a daily newspaper is published therein, or in a weekly newspaper if no daily is published in such place. Should any president, secretary, other principal officer or director refuse to make the statement so required of him or them, and within the time required, or wilfully and corruptly make a false statement, he or they and each of them shall be deemed guilty of a misdemeanor, and upon conviction thereof upon information, they shall be punished by a fine for each offense not exceeding Five Hundred Dollars, or by imprisonment not less than one nor more than twelve months in the city or county jail, or by both such fine and imprisonment. It shall be the duty of the Secretary of the Territory within sixty days from the date of every call, to report to the prosecuting attorneys of the counties in which such corporations may be located the names of all corporations that have failed to file in his office within the prescribed time, the statement herein required, and it shall be the duty of each prosecuting attorney to whom such report is made immediately to institute proceedings for the enforcement of the penalties in this article provided, and as compensation for his services he shall receive one-fourth of the amount of the penalty or penalties collected.

SECTION 9. No person holding stock in the corporation as executor, administrator, guardian or trustee, and no person holding such stock as collateral security shall be personally subject to any liability as stockholder in such corporation, but the person pledging such stock shall be considered as holding the same, and shall be liable as stockholder accordingly; and the estate and funds in the hands of such executors, administrators, guardians or trustees shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such trust fund would have been if he had been living and competent to act and hold the same stock in his own name.

Liability of
Stock Held by
Executor,
Administrator,
Guardian or
Trustee.

SECTION 10. Every such executor, administrator, guardian or trustee shall represent the shares of stock in his hands at all meetings of the corporation, and may vote accordingly as a shareholder, and every person who shall pledge his stock as aforesaid may, nevertheless, represent the same at all such meetings, and may vote accordingly as a shareholder.

Executors
etc., Holding
Stock Shall
Vote, When.

SECTION 11. The books and all records of the proceedings of such corporation shall be kept open for inspection of all persons interested.

Books, Open
for Inspection.

SECTION 12. Any corporation which may hereafter be formed for any of the purposes contemplated by this article may increase or diminish its capital stock by complying with the provisions of this article, in any amount within the limits of this article, and may also extend its business to any other purposes authorized by this article, subject to the provisions and liabilities thereof.

Capital Stock,
Increased or
Diminished.

SECTION 13. Whenever any corporation organized under this Act shall desire to call a meeting of its stockholders for the purpose of availing itself of the privileges and provisions of this article, or for increasing or diminishing the amount of its capital stock, it shall be the duty of the directors to publish

Meeting of
Stockholders
to Increase or
Diminish
Capital Stock,
How Called.

a notice signed by at least a majority of them, in a newspaper in the county, if any shall be published therein, at least sixty days, and to deposit a written or printed copy thereof in the postoffice, postage prepaid, addressed to each stockholder at his usual place of residence, at least sixty days previous to the day fixed upon for holding such meeting, specifying the object of the meeting, the time and place when and where such meeting shall be held and the amount to which it shall be extended or changed. An affirmative vote of the persons holding the larger amount in value of all the shares of stock shall be necessary to increase or diminish the amount of its capital stock. The notice provided for in this section shall be published at least once a week, and the first publication must be at least sixty days before the day of such meeting.

Chairman and
Secretary of
Meeting, How
Chosen; Re-
port of
Meeting to
Secretary of
Territory;
Certificate of
Secretary of
Territory.

SECTION 14. If, at any time the place specified in the notice provided for in the preceding section, stockholders shall appear in person or by proxy, in number representing not less than a majority of all the shares of stock of the corporation, they shall organize by choosing one of the directors chairman of the meeting, and a suitable person for secretary. and proceed to a vote of those present in person or by proxy; and if, on canvassing the vote it shall appear that a sufficient number of votes has been given in favor of increasing or diminishing the amount of capital, a statement of the proceedings, showing a compliance with the provisions of this article, the amount of capital actually paid in, the whole amount of assets and liabilities of the corporation and the amount to which the capital stock shall be increased or diminished, shall be made out, signed and verified by the affidavit of the chairman and be countersigned by the secretary; and such statement shall be acknowledged by the chairman and a certified copy

of such recorded instrument shall be filed in the office of the Secretary of the Territory, who shall thereupon issue a certificate that such corporation has complied with the law made and provided for the increase or decrease of capital stock as the case may be, and the amount to which such capital stock is increased or decreased, and such certificate shall be taken in all courts of this Territory and other places as evidence of such increase or decrease of stock; and thereupon the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate, and the corporation shall be entitled to the privileges and provisions and be subject to the liabilities of this article.

SECTION 15. Any company organized under this Act shall be permitted to qualify as guardian, curator, executor, administrator, assignee, receiver, trustee, by appointment of any court or under will or depository of money in court, without giving bond as such, and become sole guarantor or surety in or upon any bond required to be given under the laws of this Territory, any other statute to the contrary notwithstanding, and as well to insure the fidelity of persons holding places of public or private trust; *Provided*, Such company shall first deliver into the custody of the Treasurer of the Territory a deposit of Two Hundred Thousand Dollars, consisting of cash or government, county or municipal bonds, or bonds or warrants of the Territory of Oklahoma or notes or debentures secured by first mortgage or deeds of trust on real estate situated in the Territory of Oklahoma, worth at least double the amount loaned thereon, or such other first class securities as the said Treasurer may approve, said bonds or securities not to be received or held at a rate above par, but if their market value is less than par, they shall not be held above their actual market value. And whenever the said

Specific
Powers of
Corporation;
Deposit Made
With Treasurer of
Territory;
Certificate of
Territorial
Treasurer;
Liability of
Deposit.

Treasurer is satisfied that said securities so deposited with him are of the value stated and that the company is solvent, it is hereby made his duty to issue a certificate according to the facts, and said certificate shall be received by all officers or other persons whose duty is to approve such bonds, as sufficient proof that such company has complied with the terms of this section. The fund so deposited with the Treasurer shall be primarily liable for the obligations of such company as guardian, curator, executor, administrator, assignee, receiver, trustee, by appointment of court, or under will, depository of money in court, guarantor or surety in or upon any bond required to be given under the laws of this Territory, or other fiduciary capacity under appointment of any court, and as well all bonds, contracts or guarantees of every kind and description, whereby the fidelity of persons holding places of public or private trust is insured or guaranteed, and shall not be liable for any other debt or obligation of the company until all trust liabilities as aforesaid of such company have been discharged. And in case the interest on any security deposited with the Treasurer under this section shall not be paid at maturity and shall remain unpaid for six months thereafter it shall be his duty to require the company which deposited the same to remove them and deposit in their place other securities, equal in amount to those removed, upon which the interest has not been defaulted.

Stockholder
Liable, When.

SECTION 16. Each stockholder of a company organized under this Act shall be individually and personally liable for the debts of the corporation to the extent only of double the amount that is unpaid upon the stock held by him. Whenever an execution is returned unsatisfied against such company, the judgment creditor may institute joint or several actions

against any of its stockholders that have not wholly paid the capital stock held by him, and in such action the court must ascertain the amount that is unpaid upon the stock held by each stockholder and for which he is liable, and a several judgment must be rendered against each in conformity therewith. Each stockholder shall be individually liable in double the amount unpaid upon the stock or shares owned by him at the time such action is commenced, and such liability will not be released by any subsequent transfer of stock.

SECTION 17. Companies organized under this Act shall be subject to inspection by the Bank Examiner of this Territory, and if, upon examination, such company is found to be insolvent, it shall be the duty of such commissioner immediately to take charge of such company and all property and effects thereof. Upon so taking charge the commissioner shall as soon as possible ascertain by thorough examination into its affairs its actual financial condition, and whenever he shall become satisfied that such company can not resume business or liquidate its indebtedness to the satisfaction of all its creditors, he shall institute proper proceedings in the proper court for the purpose of having a receiver appointed to take charge of such company and to wind up the affairs and business thereof for the benefit of creditors and stockholders. The Bank Commissioner shall receive the same fees for his services as provided by law to be paid to him for like services in the examination of banks in this Territory; *Provided, However, This Act is subject to the provisions of Section Three, Article One, Chapter Seventeen of the Statutes of Oklahoma Territory of 1893.*

Inspection by
Bank Ex-
aminer and
Duties of.

SECTION 18. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

CHAPTER XII.

COUNTIES AND COUNTY OFFICERS.

ARTICLE.

1. Changing Water Course in Kay County.
2. Legalizing Election of Probate Judge.

ARTICLE.

3. Letting Contracts for County Buildings.
4. Sessions and Duties of County Commissioners.

ARTICLE 1.—CHANGING WATER COURSE IN KAY COUNTY.

SECTION.

1. Authorizing County Commissioners to Change Course of Spring Creek.

SECTION.

2. Procedure.
3. Letting Contract; Expenses, How Paid.

AN ACT Authorizing the Board of County Commissioners of Kay County, Oklahoma Territory, to Change the Course of Spring Creek.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Authorizing
County Com-
missioners to
Change
Course of
Spring Creek.

SECTION 1. That the Board of County Commissioners of Kay County, Territory of Oklahoma, is hereby authorized to change the course of a certain stream known as Spring Creek, in Owen Township, Kay County, Oklahoma Territory, by diverting it from its course at or near the southwest corner of the northeast quarter of Section Thirteen (13), of Township Twenty-five (25) north, of Range Two (2) west, of the Indian Meridian, and let it be made to traverse a line running due north to the point where it empties into the Salt Fork river of the Arkansas.

Procedure.

SECTION 2. The Board of County Commissioners shall, before such creek is changed, cause the county surveyor of such county to make a survey and duly mark the course of such proposed change and return his survey, duly certified, to the county clerk of such county; whereupon the Board of County Commissioners shall determine the depth and width and general character of the channel to be cut and shall set a day at which, after giving twenty day's notice in a newspaper printed in such county, such Board of County Commissioners shall hold a session at the county seat of such county to make estimates of the

damages due any person or persons owning the land through or across which such channel is to be cut. On such hearing the Board of County Commissioners shall hear any legal evidence. The Board of County Commissioners shall fix the damage and compensation due any person or persons for that part of the land through or across which the channel of such creek is to be cut; *Provided*, That written notice shall be served on the occupants of any tract of land through or across which such channel or survey extends, at least ten days before such hearing, and if any person is aggrieved at the action of the Board of County Commissioners, they may appeal therefrom to the district court of such county in the same manner that appeals are taken from the justice of the peace in civil cases.

SECTION 3. When the Board of County Commissioners shall have condemned such property as herein provided, the same shall become vested in the County of Kay, and the Board of County Commissioners shall let the contract for the cutting of such channel in the manner now authorized by law for the letting of contracts for the construction of public bridges. All expenses, fees and damages necessarily incurred in the construction and cutting of such channel and change of such creek shall be paid out of the road and bridge fund of such county upon order of the Board of County Commissioners.

Letting
Contract;
Expenses,
How Paid.

SECTION 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 5. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 2.—LEGALIZING ELECTION OF PROBATE JUDGE.**SECTION.**

1. Legalizing Election of R. A. Billups, Probate Judge of Washita County.

AN ACT Legalizing the Election of R. A. Billups Probate Judge of Washita County, Oklahoma Territory.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Legalizing Election of R. A. Billups, Probate Judge of Washita County.

SECTION 1. That the election of R. A. Billups, probate judge of Washita County, Oklahoma Territory, on the sixth day of November, 1900, is hereby legalized, and all and sundry of his Acts, orders and findings are hereby ratified in so far as they would have been legal had the election of the said R. A. Billups, probate judge, been legal and valid in all respects.

SECTION 2. This Act shall take effect and be in force from and after its passage and approval.

Approved this 5th day of March, 1901.

ARTICLE 3.—LETTING CONTRACTS FOR COUNTY BUILDINGS.**SECTION.**

1. Advertisement for Bids; Bids Accepted; Specifications; Bond of Bidder.

AN ACT Amending Section 36, Article 9, Chapter 22, Statutes of Oklahoma, 1893, Providing for the Time and Manner of Letting Contracts for the Construction and Erection of Court Houses and Jails.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Advertisement for Bids; Bids Accepted; Specifications; Bond of Bidder.

SECTION 1. That Section 36, Article 9, Chapter 22, of the Statutes of Oklahoma, 1893, be and the same is hereby amended to read as follows:

SECTION 36. That the Board of County Commissioners shall cause an advertisement for bids for the

erection of such buildings to be printed in some newspaper printed in the county, or of general circulation therein, if there be no newspaper published in said county, for a period of at least thirty days prior to the date set for the opening of bids, and in such other newspapers in the Territory as the Board of County Commissioners may deem advisable. Such advertisement shall give the place where the plans and specifications may be examined, the date on which bids will be opened, the time which will be allowed for the completion of such building, and such other information as the board may direct. Bids may be opened, considered, passed upon and contracts for the erection of said buildings let at any regular session of said board, or at a special session thereof called for such purpose, but in all cases the bids must be opened and contracts let in open session of said board; the lowest responsible bid must in all cases be accepted unless all bids are rejected, and the contract for such buildings shall be so conditioned that not more than eighty per cent of the price agreed to be paid for the construction thereof, shall be paid until the terms of the contract shall have been fully complied with and the building completed to the satisfaction of the board and accepted by them. The said Board of County Commissioners may require to be filed with each bid a bond, or in lieu thereof a certified check, conditioned that the bidder will enter into a contract with approved security, for the performance of the work in accordance with the plans and specifications in case his bid be accepted, and when such contract is awarded to any such bidder, such bidder shall execute to the county a good and sufficient bond in double the sum of such contract, with two or more sureties, to be approved by the Board of County Commissioners, conditioned for the faithful and full performance of such contract.

SECTION 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 4.—SESSIONS AND DUTIES OF COUNTY COMMISSIONERS.

SECTION.

1. Length of Sessions of Commissioners and Their Duties.

AN ACT Amendatory of Section 1, Article 2, Chapter 12, of the Session Laws of 1897, Entitled "Sessions and Duties of Commissioners."

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Length of
Sessions of
Commission-
ers and
Their Duties.

SECTION 1. That Section One (1) of Article Two (2) of Chapter Twelve (12) of the Session Laws of 1897, be and the same is hereby amended to read as follows.

SECTION 1. In addition to the special sessions for equalizing assessments, levying taxes, and all other special sessions now provided by statute, the County Commissioners shall meet and hold sessions for the transaction of business in the county clerk's office at the county seat of their respective counties, or at the usual place of holding its sessions, on the first Monday in January, April, July and October in each year, and may remain in session as long as the public business may require and may adjourn from time to time, during the quarter as they may think necessary and may at such adjourned meetings consider any and all such business as they may deem proper; and the passing upon or allowing or rejecting bills against the county shall be taken up and passed upon by the Commissioners in the order in which claims have been filed. The county clerk shall have power to call special sessions to transact any business the same as at regular sessions when the interest of the

county demands it, upon giving five days notice of the time and object of calling the Commissioners together by posting up notices in three public places in the county or by publication in some newspaper of general circulation in the county; *Provided*, That no claims against the county except for election expenses and jury fees shall be considered at a called session; *Provided further*, That in case of a vacancy in the office of county clerk, the chairman of the board shall have power to call a special session for the purpose of filling such vacancy.

SECTION 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

CHAPTER XIII.

CRIMES AND PUNISHMENTS.

ARTICLE.

1. Attempt to Kill.
2. Forging Names to Petitions.
3. Kidnapping.
4. Prohibiting Sale of Cigarettes.

ARTICLE.

5. Rape.
6. Regulating Sale of Intoxicating Liquors.
7. To Protect Innkeepers.

ARTICLE 1.—ATTEMPT TO KILL.

SECTION.

1. Attempt to Kill; Penalty.

AN ACT to Amend Section 2, Article 20, Chapter 25, Statutes of Oklahoma of 1893, Relating to Crimes and Punishments.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That Section 2, Article 20, Chapter 25, Statutes of 1893, be amended so as to read as follows:

Attempt to
Kill;
Penalty.

SECTION 2. Every person who intentionally and wrongfully shoots, shoots at, or attempts to shoot at another, with any kind of fire-arm, air-gun or other means whatever, with intent to kill any person, or who commits any assault and battery upon another by means of any deadly weapon, or by such other means or force as is likely to produce death or in resisting the execution of any legal process, is punishable by imprisonment in the Territorial prison not exceeding ten years.

SECTION 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICE 2.—FORGING NAMES TO PETITIONS.

SECTION.

1. Forging Name to Petition; |
Penalties.

AN ACT Defining the Crime of Forging Names to Petitions and Providing the Punishment Therefor.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That any person who shall knowingly sign, subscribe or forge the name of any other person, without the consent of such other person, to any petition, application remonstrance, or other instrument of writing, authorized by law to be filed in or with any court, board or officer, with intent to deceive or mislead such court, board or officer, shall be deemed guilty of a misdemeanor and shall on conviction thereof be punished by a fine of not exceeding Five Hundred Dollars, or imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, in the discretion of the court trying such cause.

Forging
Name to
Petition;
Penalties.

SECTION 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 3.—KIDNAPPING.

SECTION.

1. Kidnapping for Reward, Felony; Penalty.

SECTION.

2. Venue.

AN ACT to Define and Punish Kidnapping for Ransom.

*Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:*Kidnapping
for Reward,
Felony;
Penalty.

SECTION 1. Every person who without lawful authority forcibly seizes and confines another, or inveigles or kidnaps another, for the purpose of extorting any money, property, or thing of value or advantage from the person so seized, confined, inveigled or kidnapped, or from any other person, shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment in the Territorial prison not less than ten years.

Venue.

SECTION 2. Every offense prohibited in the last section may be tried in the county in which the crime may have been committed or in any county through which the person so seized, confined, inveigled or kidnapped shall have been taken, carried or into which such person may be brought.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 4.—PROHIBITING SALE OF CIGARETTES.

SECTION.

1. Prohibiting Sale or Giving Away Cigarettes, etc.; Misdemeanor; Penalty.

SECTION.

2. Grand Jury May Present Indictments.

AN ACT to Prohibit the Sale or Offering for Sale or Bringing Into the Territory of Oklahoma for the Purpose of Sale or Giving Away of Any Cigarettes, Cigarette Paper or Substitute Therefor.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That it shall be a misdemeanor for any person, firm or corporation to sell, offer to sell, or to bring into the Territory for the purpose of selling, giving away or otherwise disposing of, any cigarettes, cigarette paper or substitute for the same; and each violation of any of the provisions of this Act shall be a misdemeanor, punishable by a fine of not less than ten dollars, nor more than Five Hundred Dollars.

SECTION 2. The grand jury shall have power to present indictments against persons violating the provisions of this Act.

SECTION 3. Be it further enacted that this Act shall take effect and be in force from and after the first day of May, 1901.

SECTION 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved this 8th day of March, 1901.

ARTICLE 5.—RAPE.

SECTION.

1. Rape Defined.

AN ACT Amending Section 1, of Article 2, of Chapter 20, Session Laws 1895, Entitled An Act to Amend Sections 1 and 4, of Article 26, of Chapter 25, of the Statutes of Oklahoma 1893, Entitled Crimes and Punishments.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Rape Defined.

SECTION 1. That Section 1, of Article 2, Chapter 20, Session Laws of Oklahoma, 1895, amendatory of Section 1, Article 26, of Chapter 25, Statutes of Oklahoma, 1893, be, and the same is hereby amended to read as follows:

SECTION 1. Rape is an act of sexual intercourse accomplished with a female, not the wife of the perpetrator, under either of the following circumstances: First, where the female is under the age of sixteen years. Second, where the female is over the age of sixteen years and under the age of eighteen, and of previous chaste and virtuous character. Third, where she is incapable through lunacy or any other unsoundness of mind, whether temporary or permanent, of giving legal consent. Fourth, where she resists but her resistance is overcome by force and violence. Fifth, where she is prevented from resistance by threats of immediate and great bodily harm, accompanied by apparent power of execution. Sixth, where she is prevented from resisting by any intoxicating, narcotic, or anesthetic agent, administered by or with the privity of the accused. Seventh, where she is at the time unconscious of the nature of the act and this is known to the accused. Eighth, where she submits under the belief that the person committing the act is her husband, and this belief is induced by artifice, pretence or concealment prac-

ticed by the accused, or by the accused in collusion with her husband with intent to induce such belief. And in all cases of collusion between the accused and the husband of the female, to accomplish such act, both the husband and the accused shall be deemed guilty of rape.

SECTION 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 28th day of February, 1901.

ARTICLE 6.—REGULATING SALE OF INTOXICATING LIQUORS.

SECTION.

1. Selling or Giving Away Liquors
Near Sacred Heart Mission,
Pottawatomie County, Okla-
homa Territory.

SECTION.

2. Penalty.

AN ACT to Prohibit the Sale or Giving Away of Intoxicating Liquors Within Two Miles of the Sacred Heart Mission College Building.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That from and after the passage and approval of this Act, it shall be unlawful for any person to sell, give away, or in any manner dispose of malt, spiritous, or vinous liquors within two miles of the college building of, and belonging to the Order of the Benedictine Fathers, Sacred Heart Mission, Pottawatomie County, Oklahoma Territory; *Provided*, That nothing herein contained shall be construed to prevent the manufacture and use of native wines for sacramental and other purposes by the said order, at the said mission.

SECTION 2. Any person convicted of violation of this Act shall be fined in any sum not less than One Hundred Dollars, nor more than Five Hundred Dollars, or by imprisonment in the county jail for a period not less than thirty days, nor more than ninety

Selling or
Giving Away
of Liquors
Near Sacred
Heart Mission,
Pottawatomie
County.

Penalty.

days, or by both such fine and imprisonment, at the discretion of the court.

SECTION 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 4. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 7.—TO PROTECT INNKEEPERS.

SECTION.

1. Defrauding Hotel or Innkeepers, Misdemeanor; Penalty.

SECTION.

1. Prima Facie Evidence of Fraudulent Intent.

AN ACT to Define and Punish Frauds Upon Hotel, Inn, Boarding and Eating House Keepers; Penalties.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Defrauding
Hotel or Inn-
keepers;
Penalty.

SECTION 1. That any person who shall obtain food, lodging or other accommodation at any hotel, inn, boarding and eating houses, with intent to defraud the owner, or keeper thereof, shall be deemed guilty of a misdemeanor, and, upon conviction shall be punished by a fine not exceeding One Hundred Dollars, or imprisonment in the county jail not more than thirty days.

Prima Facie
Evidence of
Fraudulent
Intent.

SECTION 2. Proof that lodging, food or other accommodation was obtained by false pretence, or fictitious show, or pretence of baggage, or that the party refused to pay for such food, lodging or other accommodation, or that he or she surreptitiously removed or attempted to remove his or her baggage shall be prima facie evidence of the fraudulent intent mentioned in Section 1 of this Act; but this Act shall not apply to regular boarders, nor when there has been an agreement to delay the payment.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 28th day of February, 1901.

CHAPTER XIV.

ELECTIONS.

SECTION.

1. Election Contest, When Brought.

AN ACT to Regulate the Time of Beginning Actions to Try the Title to a County Office.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That whenever any person who has been a candidate for any county office, and whose name has been placed upon the official ballot, shall desire to bring an action to try the title to said office, he may commence such action at any time after the result of said election has been announced, and such action shall not be dismissed because it was instituted before the person declared elected has taken possession of such office.

Election Contest, When Brought.

SECTION 2. That all Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 3. That this Act shall take effect and be in force from and after its passage and approval.

Approved this 5th day of March, 1901.

CHAPTER XV.

FEES AND SALARIES.

SECTION.

1. County Attorney, Salary of.
2. County Commissioners, Salary of; Mileage.

SECTION.

3. County Treasurer, Clerk Hire; How Paid.
4. Basis for Fixing Salaries.

AN ACT in Relation to Certain County Officers.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

County Attorney.
Salary of.

SECTION 1. The county attorneys of the several counties in this Territory shall be allowed by the Board of County Commissioners as compensation for their services a salary per year as follows: In counties of ten thousand inhabitants or less the sum of One Thousand Dollars; in counties of not less than ten thousand inhabitants nor more than thirteen thousand inhabitants the sum of Eleven Hundred and Fifty Dollars; in counties of not less than thirteen thousand inhabitants nor more than sixteen thousand inhabitants the sum of Twelve Hundred and Fifty Dollars; in counties of not less than sixteen thousand inhabitants nor more than nineteen thousand inhabitants the sum of Thirteen Hundred and Fifty Dollars; in counties of not less than nineteen thousand inhabitants nor more than twenty-two thousand inhabitants the sum of Fourteen Hundred and Fifty Dollars; in counties of more than twenty-two thousand inhabitants the sum of Sixteen Hundred Dollars; *Provided*, That in counties having less than thirteen thousand inhabitants where the assessed valuation of property for taxation equals that of any county in the Territory having a greater population than thirteen thousand inhabitants, then the county attorney shall receive a salary equal to that of such county.

County Commissioners.
Salary of;
Mileage.

SECTION 2. The County Commissioners of the various counties of Oklahoma Territory shall be

paid an annual salary, payable quarterly as follows:

In counties of ten thousand population or less the sum of One Hundred and Eighty Dollars; in counties of not less than ten thousand inhabitants nor more than thirteen thousand inhabitants the sum of Two Hundred Dollars; in counties of not less than thirteen thousand inhabitants nor more than sixteen thousand inhabitants the sum of Two Hundred and Fifty Dollars; in counties of not less than sixteen thousand inhabitants nor more than twenty thousand inhabitants the sum of Three Hundred Dollars; in counties of more than twenty thousand inhabitants the sum of Three Hundred and Fifty Dollars. In addition to the salary as provided for County Commissioners in this section, they shall each be entitled to five cents per mile for each mile actually and necessarily traveled in going to and returning from each regular meeting of the Board of County Commissioners.

SECTION 3. The county treasurers of the various counties of Oklahoma Territory shall be allowed in addition to the salary already allowed by law the following amounts for clerk hire: In counties of ten thousand population or less the sum of One Hundred Dollars; in counties of not less than ten thousand inhabitants nor more than fourteen thousand inhabitants the sum of Two Hundred Dollars; in counties of not less than fourteen thousand nor more than eighteen thousand inhabitants the sum of Three Hundred Dollars per year; in counties of not less than eighteen thousand inhabitants nor more than twenty-two thousand inhabitants the sum of Four Hundred Dollars; in counties of not less than twenty-two thousand inhabitants nor more than twenty-five thousand inhabitants the sum of Six Hundred Dollars; in counties of more than twenty-five thousand inhabitants the sum of Nine Hundred Dollars per year. Said clerk hire shall be paid out

County Treas-
urer, Clerk
Hire; How
Paid.

of the county treasury in quarterly installments on the order of the Board of County Commissioners.

Basis for Fix-
ing Salaries.

SECTION 4. For the purpose of fixing the amount to be paid to the officers as in this Act provided, the Board of County Commissioners shall adopt as a basis for that purpose, the number of inhabitants of their respective counties as shown by the returns of the assessors made in the year 1900, and each two years thereafter.

SECTION 5. All Acts and parts of Acts in so far as they conflict with this Act are hereby repealed.

SECTION 6. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

CHAPTER XVI.

INSURANCE.

ARTICLE.

1. Fraternal Insurance Associations.

ARTICLE.

2. Relating to Mutual Insurance Companies.

ARTICLE 1.—FRATERNAL INSURANCE ASSOCIATIONS.

SECTION.

1. Fraternal Beneficiary Associations Defined; Manner of Conducting.
2. Associations Heretofore Existing Must Comply With This Act.
3. Associations Organized in Other States Must Comply With Provisions of This Act; Superintendent of Insurance, Duties of.
4. Annual Report to Superintendent of Insurance; License Issued, When, Fees for; Report, Publication of; Superintendent of Insurance May Make Inquiries.
5. Foreign Associations to Appoint Superintendent of Insurance, on Whom Process to be Served; Resident Associations, Process, How Served.
6. Permit, When and How Issued.
7. Examination by Superintendent of Insurance, When Made.
8. Organization of Association. How Made.
9. Present Associations May Reincorporate Under This Act.

SECTION.

10. Associations, When Shall Be Deemed Incorporated; Powers of.
11. Soliciting Agents Prohibited, Except When.
12. Member Cannot Contract With Beneficiary, When.
13. Benefits Exempt From Legal Process.
14. Foreign Associations Admitted, When; Mortality Table.
15. Legislative Body of Association, May Meet Where; Procedure; Fraudulent Application for Membership, Misdemeanor; Penalty.
16. Fraudulent Statement, Death or Disability Certificate; Perjury.
17. Association Refusing to Make Report, Duty of Superintendent of Insurance; Officer disobeying Injunction, Misdemeanor; Penalty.
18. Agent Violating This Act, Misdemeanor; Penalty.
19. Enforcing Obligations Imposed by Other States.
20. This Act to Apply Only to Fraternal Beneficiary Associations.

AN ACT for the Regulation and Incorporation of Fraternal Beneficiary Associations, Societies or Orders, and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. A fraternal beneficiary association is hereby declared to be a corporation, society or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit. Each association shall have a lodge system, with ritualistic form of work and representative form of government, and shall make provision for the payment of benefits in case of death, and may make provision for the payment of benefits in case of sickness, temporary or permanent

Fraternal
Beneficiary
Associations
Defined;
Manner of
Conducting.

physical disability, either as a result of disease, accident or old age, provided the period of life at which the payment of physical disability benefits on account of old age commenced shall not be under seventy (70) years. All subject to the compliance of its members with its constitution and by-laws. The fund from which the expenses of such an association shall be defrayed, shall be derived from assessments or dues collected from its members. Payment of death benefits shall be to the families, heirs, blood relatives, affianced husband or affianced wife of, or to persons dependent upon the member. Such associations shall be governed by this Act and shall be exempt from the provisions of the insurance laws of this Territory, except as provided in this Act, and no law hereafter passed shall apply to them unless they be expressly designated therein. Any such fraternal beneficiary association may create, maintain, disburse and apply a reserve or emergency fund in accordance with its constitution or by-laws. The term "fraternal beneficiary association" wherever used in this Act, or in any other law of this Territory hereafter enacted, shall be construed to mean any association such as is defined in this section.

Associations
Heretofore
Existing Must
Comply With
This Act.

SECTION 2. All such associations coming within the description as set forth in Section One (1) of this Act, organized under the laws of this Territory, or the laws of any other State, Province or Territory, and now doing business within this Territory, may continue such business provided they hereafter comply with the provisions of this Act regulating annual reports to the Superintendent of Insurance and the designation of the Superintendent of Insurance as the person upon whom process may be served as hereinafter provided.

Associations
Organized
in Other
States Must

SECTION 3. Any such fraternal beneficiary association, within the meaning and description as set forth

in Section One (1) of this Act, organized under the laws of any other State, Territory or Province, and not now doing business within this Territory when it shall be shown to the satisfaction of the Superintendent of Insurance of this Territory that its charter or articles of association, and its by-laws provide for the conduct of its business in accordance with the provisions of this Act; that it has at the time it applies for admission to do business within this Territory a sufficient number of members so that one assessment upon such members, the amount of which assessment or other stated payment shall not exceed the amount previously provided by the laws of the order, shall be sufficient to pay in full the largest death loss the association might be called upon, under its laws, to pay, and that it has paid in full all just benefit claims of whatever nature incurred by it within the two years last past. *Provided*, That before any such fraternal beneficiary association shall be authorized to do business in this Territory it shall file with the Superintendent of Insurance thereof a duly certified copy of its constitution or by-laws, or both, if it has both, certified to under oath by its secretary or similar officer and its chief executive officer, together with the appointment of the Superintendent of Insurance of this Territory as a person upon whom all legal process may be served as hereinafter provided; and it must also be shown that the said association is duly authorized to do business in the State, Territory or Province in which it is incorporated or organized, in case the laws of such State, Territory or Province provide for such authorization; but in case the laws of such State, Territory or Province do not provide for any such formal authorization for such association to do business, then such association shall be shown to be conducting its business in accordance with the provisions of this Act; and to satisfy himself

Comply With
Provisions of
This Act;
Superintendent
of
Insurance,
Duties of.

that such is the fact, the Superintendent of Insurance of this Territory may personally, or by some person designated by him, examine into the condition, affairs, character and business methods, accounts, books and investments of such association at its home office, which examination shall be at the expense of such association; but such expense shall not exceed ten dollars (\$10.00) per diem in addition to the reasonable traveling expenses of the person making such examination; *Provided*, That the Superintendent of Insurance may accept the examination made by the insurance department of the State, Territory, or Province in which the home office of said association is located, in his sound discretion. Every condition of this section shall be considered a condition precedent for such an association doing business in this Territory.

Annual Report to Superintendent of Insurance; License Issued, When, Fees for; Report, Publication of; Superintendent of Insurance May Make Inquiries.

SECTION 4. Every such association doing business within this Territory shall, on or before the first day of February of each year, make and file with the Superintendent of Insurance of this Territory a report and statement of its affairs, business and operations, during the year ending on the 31st day of December immediately preceding, together with a certified copy of its laws, rules and regulations; *Provided*, That no such association organized under the laws of this Territory prior to the passage of this Act shall be required to make such report until it is two years old. If such association is found, upon examination of its report and laws, to be doing business in accordance with the provisions of this Act, the Superintendent of Insurance shall issue it a license to do business within this Territory for one year, for which license he shall charge and receive the sum of five dollars (\$5.00). Such annual reports, which shall be in lieu of all other reports required by the Superintendent of Insurance, shall be made on blank forms furnished by

said Superintendent of Insurance, or may be in pamphlet form, and shall be verified under oath by the duly authorized officers of such association. The substance of this report shall be published in the annual report of the Territorial Superintendent of Insurance, in a part to be entitled "Fraternal Beneficiary Associations," and shall contain answers to the following questions, and any other information the Superintendent of Insurance may require:

First: Number of certificates issued during the year or number of members admitted.

Second: Amount of indemnity effected thereby.

Third: Number of losses or benefit liabilities incurred.

Fourth: Number of losses or benefit liabilities paid.

Fifth: The amount received from each assessment during the year.

Sixth: Total amount paid members, beneficiaries, legal representatives or heirs.

Seventh: Number and kind of claims for which assessments have been made.

from such county and re-attachment to another the taxes were levied the same as if the detachment

Eighth: Number and kind of claims compromised or resisted, and a brief statement of reasons therefor.

Ninth: Does the association charge annual or other periodical dues or admission fees?

Tenth: How much on each One Thousand Dollars annually or per capita, as the case may be?

Eleventh: Total amount received, from what source, and the disposition thereof.

Twelfth: Total amount of salaries paid to officers.

Thirteenth: Does the association guarantee, in its certificates, fixed amounts to be paid, regardless of the amounts realized from assessments, dues, admission fees and donations?

Fourteenth: . If so, state amount guaranteed, and the security for such guaranty.

Fifteenth: Has the association a reserve fund?

Sixteenth: If so, how is it created, what is its purpose, its amount, and how is it invested?

Seventeenth: Has the association more than one class?

Eighteenth: If so, how many and the amount of the indemnity in each?

Nineteenth: Number of members in each class?

Twentieth: If it is a voluntary association, so state and give date of its organization.

Twenty-first: If organized under the laws of this Territory under what law and at what time, giving year and date of the approval of the Act.

Twenty-second: If organized under the laws of any other State, Territory or Province, state such fact and the date of organization, with complete reference and designation of the law or laws under which organized.

Twenty-third: Number of certificates of beneficiary membership lapsed during the year.

Twenty-fourth: Number in force at the beginning and end of the year; if more than one class, the number in each class.

Twenty-fifth: Names and address of its president, secretary and treasurer, or of its corresponding officers.

The Superintendent of Insurance is authorized and empowered to address any additional inquiries to any such association in relation to its business or condition, or any other matter connected with its transactions relative to the business contemplated by this Act, and such officers of such associations as the Superintendent of Insurance may require shall promptly reply in writing, under oath, to all such inquiries.

SECTION 5. Every such association now doing or hereafter admitted to do business within this Territory, and not having its principal office within this Territory, and not being organized under the laws of this Territory, shall appoint in writing the Superintendent of Insurance and his successors in office to be its true and lawful attorney, upon whom all legal process in any action or proceeding against it must be served, and in such writing shall agree that any lawful process against it which is served on said Superintendent of Insurance shall be of the same legal force and validity as if served upon said association, and that the authority shall remain in force so long as any liability against said association shall remain outstanding within this Territory. Copies of such certificate, certified by said Superintendent of Insurance, shall be deemed sufficient evidence thereof, and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service upon said Superintendent of Insurance shall be deemed sufficient service upon such association; *Provided*, That such process shall not be returnable until thirty days after such service. When legal process against any such association is served upon the Superintendent of Insurance, he shall immediately notify the association of such service by registered letter, prepaid and directed to its secretary or its corresponding officer, and shall within two days after such service forward in the same manner a copy of the process served upon him to such officer. The plaintiff in the action upon which such process was issued shall pay to the Superintendent of Insurance at the time of such service a fee of three dollars (\$3.00), which shall be recovered by said plaintiff as a part of his taxable costs, if he prevail in his said action. The Superintendent of Insurance shall keep a record of all processes served upon him, which

Foreign
Associations
to Appoint
Superintendent
of Insurance
on Whom
Process to Be
Served;
Resident
Associations.
Process, How
Served.

record shall show the day and hour when such service was made, and when the notice hereinbefore provided for was given to the officers of such association. In all suits in this Territory against any such association organized under the laws of this Territory, and having its principal officer in this Territory, service shall be had upon the chief executive officer or the secretary, or corresponding officer of such association.

Permit,
When and
How Issued.

SECTION 6. The Superintendent of Insurance, upon the application of any fraternal beneficiary association having the right to do business in this Territory, as provided for in this Act, shall issue, to such association a permit in writing authorizing such association to do business within this Territory for one year from the date thereof, for which permit or certificate and all proceedings in connection therewith such association shall pay to the said Superintendent of Insurance a fee of five dollars (\$5.00).

Examination
by Superin-
tendent of
Insurance,
When Made.

SECTION 7. The Superintendent of Insurance, at the request of any such fraternal beneficiary association doing business under the provisions of this Act in this Territory, shall make an examination of the books and accounts of such association, and shall furnish a certificate of the results of such examination, showing all such association's assets and how invested, the condition of its business, its methods and such other particulars as may be deemed necessary to show the character and condition of the financial affairs of such association; and such association shall at all times be subject to such examination without any request being made by them. The necessary expense of the examination shall be paid by said association, but it shall not exceed ten dollars (\$10.00) per day and the necessary traveling expenses of the person making the examination.

SECTION 8. Any number of persons, being citizens of the United States, not less than seven, five of whom shall also be citizens and residents of the Territory of Oklahoma, hereafter desiring to form a fraternal beneficiary association, may associate themselves together and effect such organization in the manner provided in this section, and not otherwise. Articles of association shall be prepared in triplicate in the manner hereinafter provided, and submitted to the Superintendent of Insurance for his approval; and they shall not be approved by said Superintendent of Insurance if it shall appear that the name selected is the same or so near the same as that of any other association or corporation then doing business within this Territory as to cause confusion in the minds of the people, or to interfere with the rights of such existing association or corporation, or that the objects of the association are not in accordance with the provisions of this Act, or of any other law or laws of this Territory applicable to such associations or that the said articles of association do not conform to the provisions of this Act in every particular; but in case none of these objections are found to exist, the said Superintendent of Insurance shall indorse on the back of each copy of said articles of association the fact that he has approved them, together with the date of such action, all of which shall be signed by him with his official title; *Provided*, however, That before the said Superintendent shall approve any such articles of association it shall be shown to him by the sworn statement of one or more of the proposed incorporators that at least three hundred persons have signed, in good faith, applications for beneficiary membership in such proposed association, and paid to the proper one of such proposed incorporators the amount of one death or mortuary collection, by whatever name it may be called, and that such money

Organization
of Association.
How Made.

is deposited with some bank or trust company, and is held for the special purpose named. For this examination and approval of the articles of association herein mentioned, the Superintendent of Insurance shall charge and receive a fee of five dollars (\$5.00). One copy of such articles of association, approved as hereinbefore provided, shall be filed with the Secretary of this Territory, whereupon the said Secretary shall issue his certificate of incorporation, and permanently attach the same by the seal of the Territory to another copy of the said articles of association, approved as hereinbefore provided, which copy shall be delivered to the incorporators of such association. The third approved copy of such articles of incorporation shall be filed with the Superintendent of Insurance. The articles of association hereinbefore mentioned shall be substantially in the following form:

First: The preamble shall name the incorporators and give the residence of each and the fact of their citizenship as herein required, and express their desire to incorporate a fraternal beneficiary association in accordance with and under the provisions of this Act, (designating this Act so as to positively identify it.)

Second: Article I shall give the name of the association.

Third: Article II shall state the location of the principal office of the association.

Fourth: Article III shall state the objects of the association and the plans by which these objects are to be carried out, including the extreme limit of age of persons to whom benefit certificates may be issued, which limit of age shall not exceed fifty-five (55) years, and it shall also state the fact that all beneficiary members will be required to pass a medical examination such as is usually required by fraternal beneficiary associations.

Fifth: Article IV shall state the names of the persons selected to manage the business or prudential affairs of the association for the first term, for which such persons are to be elected, and the manner of electing their successors, the title of all officers and the name of such officers, with their residences, if they have been selected.

Sixth: Article V shall contain a description of the corporate seal adopted by such association, together with an impress of the same. These articles of association shall be signed and acknowledged by each of the incorporators.

SECTION 9. Any such fraternal beneficiary association that is now doing business in this Territory as a corporation de jure or a corporation de facto, by virtue of any law of this Territory authorizing the incorporation of such associations, may re-incorporate under the provisions of this Act and receive from the Secretary of the Territory a certificate of re-incorporation. Any such association desiring to re-incorporate under this Act, shall, by its supreme governing body or committee having power to change its laws, adopt a resolution embodying new articles of association prepared to conform to Section Eight (8) of this Act, which resolution must be copied in triplicate, signed by the executive officer of the body adopting it, or by the chief executive officer of the association; and its correctness and the fact that it was adopted in accordance with the provisions of this section must be certified to under oath by the secretary or similar officer of such association. The aforesaid triplicate copies of such resolution shall then be submitted to the Superintendent of Insurance for his approval, the same as if they were original articles of association, as provided in Section Eight (8) of this Act, and one copy shall be filed with said Superintendent of Insurance and one copy with the Secretary of

Present Associations May
re-Incorporate
Under
This Act.

the Territory in the manner provided in Section Eight (8) of this Act, for the incorporation of new associations; and when this is done, the Secretary shall issue, in the manner provided in Section Eight (8) of this Act, his certificate of re-incorporation: and thereafter such association shall be deemed to be re-incorporated under the provisions of this Act.

Associations,
When Shall
Be Deemed
Incorporated;
Powers of.

SECTION 10. Every such fraternal beneficiary association, from the time it files a copy of its articles of association for record in the office of the Superintendent of Insurance and files a copy of said articles of association with the Secretary of the Territory, and receives its certificate of incorporation, as provided either in Section Eight (8) or in Section Nine (9) of this Act shall be deemed and held to be a corporation or body politic in perpetuity and shall have and possess all rights, powers and privileges given to corporations by common law; it may sue and be sued in any court of competent jurisdiction; it may borrow money and secure the payment of the same by notes and mortgages, bonds or deeds of trust upon its personal or real property; it may rent, lease, purchase, hold, sell, and convey such real estate and personal property as may be necessary and proper for the purpose of erecting buildings for the use of the association, and for other proper objects of such association, or which may be taken for debts due to the association; and it may in general do all things not prohibited by law that are necessary and proper for the economical and proper conduct of its business.

Soliciting
Agents Pro-
hibited, Ex-
cept When.

SECTION 11. Such association shall not employ paid agents in soliciting or procuring members, except in the organization or building up of subordinate bodies or granting members inducements to procure new members.

Member Can-
not Contract
With Bene-
ficiary, When.

SECTION 12. No contract between a member and his beneficiary that the beneficiary or other person

for him shall pay such member's assessments and dues or either of them, shall give the beneficiary or other person a vested right in the benefit certificate or in the benefit or deprive the member of the right to change the name of the beneficiary or revoke the certificate, if any, issued by such association; *Provided*, That such change or revocation shall be made by written or printed notice to the association in the manner and form provided for by its by-laws.

SECTION 13. The money or other benefit, charity, relief or aid to be paid, provided or rendered by any association authorized to do business under this Act, shall not be liable to attachment, by trustee, garnishee or other process, and shall not be seized, taken, appropriated or applied by any legal or equitable process, or by operation of law, to pay any debt or liability of the certificate holder, or of any beneficiary named in any certificate, or any person who may have any right thereunder.

Benefits Ex-
empt From
Legal Process.

SECTION 14. No association not admitted to transact business within this Territory prior to the passage of this Act shall be incorporated or given a permit or certificate of authority to transact business within this Territory, as provided for by this Act, unless it shall first show that the mortuary assessment rates, provided for in whatever plan of business it has adopted, are not lower than is indicated as necessary by the following mortality table:

Foreign Asso-
ciations Ad-
mitted When
Mortality
Table.

FRATERNAL CONGRESS MORTALITY TABLE.

Age	No. Living.	No. Dying.	Probability of Dying.
20	100,000	500	.005000
21	99,500	501	.005035
22	98,999	502	.005071
23	98,497	503	.005107
24	97,994	505	.005153
25	97,489	507	.005201

26	96,982	510	.005259
27	96,472	513	.005318
28	95,959	517	.005388
29	95,442	522	.005469
30	94,920	527	.005647
31	94,393	533	.005647
32	93,860	540	.005753
33	93,320	548	.005872
34	92,772	557	.006004
35	92,215	567	.006149
36	91,648	578	.006307
37	91,070	591	.006490
38	90,479	606	.006698
39	89,873	622	.006921
40	89,251	640	.007171
41	88,611	660	.007448
42	87,951	683	.007766
43	87,268	708	.008113
44	86,560	734	.008480
45	85,826	761	.008867
46	85,065	790	.009287
47	84,275	822	.009754
48	83,453	857	.010269
49	82,596	894	.0108238
50	81,702	935	.0114440
51	80,767	980	.0121337
52	79,786	1,029	.0128970
53	78,757	1,083	.0137511
54	77,674	1,140	.0146767
55	76,534	1,202	.0157054
56	75,332	1,270	.0168587
57	74,062	1,342	.0181200
58	72,720	1,418	.0194994
59	71,302	1,501	.0210513
60	69,801	1,588	.0227504
61	68,213	1,681	.0246434
62	66,532	1,778	.0267240

63	64,754	1,880	.0290330
64	62,874	1,985	.0315711
65	60,889	2,094	.0343904
66	58,795	2,206	.0375206
67	56,589	2,318	.0409620
68	54,271	2,430	.0447753
69	51,841	2,539	.0489767
70	49,302	2,645	.0536489
71	46,657	2,744	.0588122
72	43,913	2,832	.0644912
73	41,081	2,909	.0708113
74	38,172	2,969	.0777795
75	35,203	3,009	.0854757
76	32,194	3,026	.0939927
77	29,168	3,016	.1034010
78	26,152	2,977	.1138345
79	23,175	2,905	.1253506
80	20,270	2,799	.1385163
81	17,471	2,659	.1521951
82	14,812	2,485	.1677694
83	12,327	2,280	.1849599
84	10,047	2,050	.1855707
85	7,997	1,800	.2250844
86	6,197	1,539	.2483460
87	4,658	1,277	.2741520
88	3,381	1,023	.3025732
89	2,358	788	.3341815
90	1,570	579	.3687898
91	991	404	.4076690
92	587	264	.4497445
93	323	161	.4984520
94	162	89	.5493827
95	73	44	.6027397
96	29	19	.6551724
97	10	7	.7000000
98	33	3	.1000000

Legislative
Body of
Association
May Meet,
Where;
Procedure.

SECTION 15. Any such fraternal beneficiary association organized under the laws of this Territory may provide for the meeting of its legislative or governing body in any other State, Territory or Province, wherein such association shall have subordinate lodges or bodies, and all business or corporate acts transacted at such meetings shall be valid in all respects as if such meetings were held in this Territory; and where the laws of any such association provide for the election of its officers by votes cast in its subordinate bodies, the votes so cast by its subordinate bodies in any other State, Territory or Province shall be as valid as if cast in this Territory.

Fraudulent
Application
for Member-
ship, Misdemeanor;
Penalty.
Fraudulent
Statement;
Death or
Disability
Certificate;
Perjury.

SECTION 16. Any person, officer, member or examining physician who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for membership or for the purpose of obtaining any money or benefit in any association transacting business under this Act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or imprisonment in the county jail for not less than thirty days nor more than one year, or both such fine and imprisonment in the discretion of the court; and any person who shall wilfully make any false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder or member in any association for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall wilfully make any false statement in any verified report or declaration under oath, required or authorized by this Act, shall be guilty of perjury, and shall be proceeded against and punished as provided by the Statutes of this Territory in relation to the crime of perjury.

SECTION 17. Any such association, whether organized under the laws of this Territory or of any other State, Territory or Province, refusing or neglecting to make the report as provided in this Act shall be excluded from doing business within this Territory. The Superintendent of Insurance, within sixty days after any such association's failure to make such report, or in case any such association shall exceed its powers, or shall conduct its business fraudulently, or shall fail to comply with any of the provisions of this Act, must give notice in writing to the Attorney General, who shall immediately commence an action against any such association to enjoin it from carrying on any business within this Territory. No injunction against any such association shall be granted by any court to enjoin it from transacting business in this Territory, except on application of the Attorney General thereof, at the request of the Superintendent of Insurance, whether the Territory or a member of other party seeks relief. No association so enjoined shall have power or authority to continue in business until such report shall be made, or overt acts or violation of the law complained of shall be corrected, nor until the costs of such action be paid by it, provided the court shall find that such association was in default as charged; whereupon the Superintendent of Insurance shall re-instate such association, and not until that is done by him shall such association be again allowed to do business within this Territory. Any officer, agent or person acting for such association, or subordinate body thereof, within this Territory, while such association shall be so enjoined or prohibited from doing business pursuant to this Act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00), or by imprison-

Association
Refusing to
Make Report.
Duty of Superintendent
of Insurance;
Officer Disobeying
Injunction,
Misdemeanor;
Penalty.

ment in the county jail for not less than thirty days, nor more than one year, or by both such fine and imprisonment in the discretion of the court.

Agent Violating This Act, Misdemeanor; Penalty.

SECTION 18. Any person who shall act within this Territory as an officer, agent, or otherwise, for any association, which shall have failed, neglected, or refused to comply with or shall have violated any of the provisions of this Act, or shall have failed or neglected to procure from the Superintendent of Insurance a proper certificate of authority to transact business within this Territory, as provided for by this Act, shall be subject to the penalties provided in the last preceding section for the misdemeanor therein defined and specified.

Enforcing Obligations Imposed by Other States.

SECTION 19. When any other State, Territory, or Province shall impose any obligation upon any fraternal beneficiary association organized under the laws of this Territory, or upon its agents or representatives, or other persons transacting business for it in such other State, Territory or Province, the like obligations are hereby imposed on similar fraternal beneficiary associations organized under the laws of such other State, Territory or Province, and their agents or representatives doing business in this Territory.

This Act to Apply Only to Fraternal Beneficiary Associations.

SECTION 20. This Act shall not apply to any corporation, society or association carrying on the business of life, health, casualty or accident insurance for profit or gain, but it shall apply only to fraternal beneficiary associations as defined in Section One (1) of this Act. This Act shall not affect or apply to any grand or subordinate lodge of the Ancient Order of Free and Accepted Masons, Independent Order of Odd Fellows, Improved Order of Red Men, or Knights of Pythias as they now exist, nor to similar orders or secret societies, nor to any association not working on the lodge system, or which limits its cer-

tificate holders to a particular class, or to the employees of a particular town, or city, designated firm, business house or corporation.

SECTION 21. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SECTION 22. This Act shall take effect and be in force from and after its passage, approval and publication in the Session Laws.

Approved this 8th day of March, 1901.

ARTICLE 2—RELATING TO MUTUAL INSURANCE COMPANIES.

SECTION.

1. Charter, How Procured.
2. Kind of Property Insured.
3. Amount of Policy.
4. Premiums, How Collected.

SECTION.

5. Premiums, How Applied.
6. Change of Location of Principal Office.
7. Foreign Mutual Insurance Companies, When Admitted.

AN ACT Relating to Mutual Insurance Companies Organized under Article 1, of Chapter 17, of the Session Laws of the Territory of Oklahoma of 1899, and to Amend Sections 1, 5, 6, 7, 8 of Said Act, and for Other Purposes.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That Section 1, of Article 1, of Chapter 17, of the Session Laws of Oklahoma Territory, of 1899, be amended to read as follows:

SECTION 1. That associations of not less than one thousand persons, farmers by occupation, may be formed for the purpose of mutual insurance of growing crops of grain against loss by hail, and of live stock, farm buildings and contents, against fire, lightning, or wind storms, under the following regulations, to-wit: There shall be a charter filed with the Secretary of the Territory showing the name of the association, the number of directors, the names of a president, secretary and treasurer and not less than five (5) nor more than thirteen (13) directors, who

Charter, How
Procured.

shall hold office for such term as the by-laws of the association shall provide, but not for a less period than one year, except in case of removal for cause, and except that the first officers so named shall hold until the first election of said association, which may be held at such time as the by-laws provide.

Kind of Property Insured.

SECTION 2. That Section 5, of Article 1, of Chapter 17, of the Session Laws of Oklahoma Territory, of 1899, be amended to read as follows:

SECTION 5. Such association may insure growing wheat, rye, barley, oats and other crops against losses by hail, and may also insure live stock, farm buildings and contents, and other property located on farms, against loss or damage by fire, lightning, or wind storms of any character, upon the payment of the premium in cash, or as hereinafter provided. The policy shall state the name of the owner and describe the land upon which the crop, stock, buildings, or other property are located, describing the property insured and stating the amount insured per acre, or on each building or animal as the case may be.

Amount of Policy.

SECTION 3. That Section 6, of Article 1, of Chapter 17, of the Session Laws of Oklahoma Territory, of 1899, be amended to read as follows:

SECTION 6. No policy shall be for a larger amount upon buildings than Fifteen Hundred (\$1,500) Dollars, nor for a larger amount per acre than twenty (20) bushels of wheat, fifteen (15) bushels of rye or barley, twenty-five (25) bushels of oats, or eight (8) bushels of flax, nor exceeding twenty-five dollars (\$25) per head for cattle, nor fifty dollars (\$50) per head for horses or mules; *Provided*, That no buildings nor the contents thereof, shall be insured against fire or lightning for a larger amount than three-fourths of its actual cash value. No property shall be insured except that which is located upon farms.

SECTION 4. That Section 7, of Article 1, of Chapter 17, of the Session Laws of Oklahoma Territory, of 1899, be amended to read as follows:

Premiums,
How Col-
lected.

SECTION 7. That the association may, at its option, under the provisions of its by-laws, receive in cash or well secured promissory demand note not less than one-half of the premium upon stock, buildings and contents, or not less than one-fourth of the premium on growing crops, and the remainder secured by a note, payable in whole or in part upon assessment or assessments made by the board of directors of the association in accordance with its by-laws whenever they consider the same necessary to pay the losses and expenses arising during the continuance of the policy for which said note was given, said note being secured by property or otherwise, to the satisfaction of the association.

SECTION 5. That Section 8, of Article 1, of Chapter 17, of the Session Laws of Oklahoma Territory, of 1899, be amended to read as follows:

Premiums,
How Applied.

SECTION 8. The premiums upon growing crops shall be applied to loss or damage on growing crops and the premiums upon live stock, farm buildings, and other property insured against fire, lightning or wind storms, shall be applied to losses upon such property. The expenses of the association shall be borne ratably by all the insurance carried by the association.

SECTION 6. The board of directors of a mutual insurance company incorporated under the laws of this Territory may change the location of the principal office of said company only by a vote of two-thirds of said directors.

Change of
Location of
Principal
Office.

SECTION 7. That no mutual insurance company organized or incorporated outside of the Territory shall be permitted to engage in the business of hail insurance or the insurance of farm property against fire,

Foreign
Mutual Insur-
ance Com-
panies, When
Admitted.

lightning or wind storms, until after the same has made a satisfactory showing to the Commissioner of Insurance that it has not less than One Hundred Thousand Dollars in reserve, subject to payment of losses.

SECTION 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 9. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

CHAPTER XVII.

LANDLORD AND TENANT.

SECTION.

1. Tenant, Defined.
2. Tenant, From Year to Year.
3. To Hold From One Period to Another, When.
4. Notice to Terminate Tenancy.
5. Tenancy From Year to Year, How Terminated.
6. Notice to Terminate Farm Tenancy.
7. Rent Not Paid; Notice to Quit.
8. Same.
9. No Notice Necessary, When.
10. Notice, How Served.
11. Tenant Not to Assign Interest, When.
12. Landlord May Re-enter, When.
13. Conveyance by Landlord; Payment of Rent.
14. Attornment of Tenant Void, When.
15. Sub-lessees.
16. Alienees of Lessors and Lessees.

SECTION.

17. Rents From Life Grants, How Recovered.
18. Arrears at Death; May Recover.
19. Executors and Administrators; May Recover Rents.
20. Occupants Liable.
21. Joint Tenants.
22. Joint Tenant May Recover Against His Co-tenant.
23. Estate in Remainder or Reversion.
24. Rent for Farm Land, Lien on Crop.
25. Share of Crop as Rents; Lessor's Rights in.
26. Purchaser of Crop Liable for Rent, When.
27. Landlord May Attach, When.
28. Attachment to Enforce Lien on Crop; How Obtained.
29. Court's Jurisdiction of.
30. Improvements; Taxes on.

AN ACT Relating to Landlords and Tenants.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. Any person in the possession of real property, with the assent of the owner, is presumed to be a tenant at will unless the contrary is shown, except as herein otherwise provided. Tenant, Defined.

SECTION 2. When premises are let for one or more years, and the tenant, with the assent of the landlord, continues to occupy the premises after the expiration of the term, such tenant shall be deemed to be a tenant from year to year. Tenant, From Year to Year.

SECTION 3. When rent is reserved, payable at intervals of three months or less, the tenant shall be deemed to hold from one period to another, equal to the intervals between the days of payment, unless there is an express contract to the contrary. To Hold From One Period to Another, When.

SECTION 4. Thirty days notice in writing, is necessary to be given by either party before he can terminate a tenancy at will, or from one period to another, of three months or less; but where in any case, rent Notice to Terminate Tenancy.

is reserved, payable at intervals of less than thirty days, the length of notice need not be greater than such interval between the days of payment.

Tenancies
From Year to
Year, How
Terminated.

SECTION 5. All tenancies from year to year may be determined by at least three months' notice, in writing, given to the tenant prior to the expiration of the year.

Notice to
Terminate
Farm
Tenancy.

SECTION 6. In case of tenants occupying and cultivating farms, the notice must fix the termination of the tenancy to take place on the first day of January.

Rent Not
Paid; Notice
to Quit.

SECTION 7. If a tenant, for a period of three months or longer, neglect or refuse to pay rent when due, ten days' notice in writing to quit, shall determine the lease, unless such rent be paid before the expiration of said ten days.

Rent Not
Paid; Notice
to Quit.

SECTION 8. If a tenant, for a period of less than three months, shall neglect or refuse to pay rent when due, five days' notice, in writing, to quit, shall determine the lease, unless such rent be paid before the expiration of said five days.

No Notice
Necessary,
When.

SECTION 9. When the time for the termination of a tenancy is specified in the contract, or where a tenant at will commits waste, or in the case of a tenant by sufferance, and in any case where the relation of landlord and tenant does not exist, no notice to quit shall be necessary.

Notice, How
Served.

SECTION 10. Notice, as required in the preceding sections, may be served on the tenant, or, if he cannot be found, by delivering the same to some person over twelve years of age, residing on the premises, having first made known to such person the contents thereof.

Tenant Not to
Assign Interest,
When.

SECTION 11. No tenant for a term not exceeding two years, or at will, or by sufferance, shall assign or transfer his term or interest, or any part thereof, to another, without the written assent of the landlord or person holding under him.

SECTION 12. If any tenant shall violate the provisions of the preceding section, the landlord, or person holding under him, after giving ten days' notice to quit possession, shall have a right to re-enter the premises and take possession thereof, and dispossess the tenant, sub-tenant or under-tenant.

Landlord May
Re-enter,
When.

SECTION 13. A conveyance of real estate, or of any interest therein, by landlord, shall be valid without the attornment of the tenant; but the payment of rent by the tenant to the grantor, at any time before notice of sale, given to said tenant, shall be good against the grantee.

Conveyance
by Landlord;
Payment of
Rent.

SECTION 14. The attornment of a tenant to a stranger shall be void, and shall not affect the possession of his landlord, unless it be made with the consent of the landlord, or pursuant to a judgment at law, or the order or decree of a court.

Attornment of
Tenant Void,
When.

SECTION 15. Sub-lessees shall have the same remedy upon the original covenant against the principal landlord, as they might have had against their immediate lessor.

Sub-lessees.

SECTION 16. Alienees of lessors and lessees of land shall have the same legal remedies in relation to such lands as their principal.

Alienees of
Lessors and
Lessees.

SECTION 17. Rents from lands granted for life or lives may be recovered as other rents.

Rents From
Life Grants,
How Re-
covered.

SECTION 18. A person entitled to rents dependent on the life of another, may recover arrears unpaid at the death of that other.

Arrears at
Death; May
Recover.

SECTION 19. Executors and administrators shall have the same remedies to recover rents, and be subject to the same liabilities to pay them, as their testators and intestates.

Executors and
Administra-
tors May Re-
cover Rents.

SECTION 20. The occupant, without special contract of any lands, shall be liable for the rent to any person entitled thereto.

Occupants
Liable.

Joint Tenants.

SECTION 21. If a joint tenant, or tenant in common, or tenant in coparcenary, have, by consent, management of the estate, and make repairs and improvements with the knowledge, and without objection, of his co-tenant or coparcener, such co-tenant or coparcener shall contribute ratably thereto.

Joint Tenant
May Recover
Against His
Co-tenant.

SECTION 22. A joint tenant, or tenant in common, or tenant in coparcenary, may maintain an action against his co-tenant or coparcener, or their personal representatives, for receiving more than his just proportion of the rents and profits.

Estate in Re-
mainder or
Reversion.

SECTION 23. A person seized of an estate in remainder or reversion may maintain an action for waste or trespass, for injury to the inheritance, notwithstanding an intervening estate for life or years.

Rent for Farm
Land, Lien
on Crop.

SECTION 24. Any rent due for farming land shall be a lien on the crop growing or made on the premises. Such lien may be enforced by action and attachment therein, as hereinafter provided.

Share of Crop
as Rents;
Lessor's
Rights in.

SECTION 25. When any such rent is payable in a share or certain proportion of the crop, the lessor shall be deemed the owner of such share or proportion, and may, if the tenant refuse to deliver him such share or proportion, enter upon the land and take possession of the same, or obtain possession thereof by action of replevin.

Purchaser of
Crop Liable
for Rent,
When.

SECTION 26. The person entitled to rent may recover from the purchaser of the crop, or any part thereof, with notice of the lien, the value of the crop purchased, to the extent of the rent due and damages.

Landlord May
Attach, When.

SECTION 27. When any person who shall be liable to pay rent (whether the same be due or not, if it be due within one year thereafter, and whether the same be payable in money or other things), intends to remove, or is removing, or has, within thirty days, removed his property, or the crops, or any part thereof, from the leased premises, the person to whom the

rent is owing may commence an action in the court having jurisdiction; and upon making an affidavit stating the amount of rent for which such person is liable, and one or more of the above facts, and executing an undertaking as in other cases, an attachment shall issue in the same manner and with the like effect as is provided by law in other actions.

SECTION 28. In an action to enforce a lien on crops for rent of farming lands, the affidavit for attachment shall state that there is due from the defendant to the plaintiff a certain sum, naming it, for rent of farming lands, describing the same, and that the plaintiff claims a lien on the crop made on such land. Upon making and filing such affidavit and executing an undertaking as prescribed in the preceding section, an order of attachment shall issue as in other cases, and shall be levied on such crop, or so much thereof as may be necessary; and all other proceedings in such attachment shall be the same as in other actions.

Attachment to
Enforce Lien
on Crop, How
Obtained.

SECTION 29. Justices of the peace and probate courts of this Territory shall have jurisdiction of all actions brought under this Act where the amount claimed does not exceed the jurisdiction of said courts respectively.

Courts, Jurisdiction of.

SECTION 30. That all improvements put on leased lands, that do not become a part of the realty, shall be assessed to the owner of such improvements as personal property; and the taxes imposed on such improvements shall be collected by levy and sale of the interest of such owner, the same as in all other cases of the collection of taxes on personal property.

Improvements,
Taxes on.

SECTION 31. Sections 2, 3, 4, 5, 6, and 7, of Article 3, of Chapter 65 of the Statutes of Oklahoma, 1893, and all Acts and parts of Acts in conflict with this Act be and the same are hereby repealed.

SECTION 32. This Act shall take effect and be in force from and after its passage, approval and publication in the Session Laws.

Approved this 8th day of March, 1901.

CHAPTER XVIII.

PUBLIC LIBRARIES AND READING ROOMS.

SECTION.

1. City Council May Establish Public Library and Reading Room, Levy for.
2. Board of Directors, How Appointed.
3. Term of Office, removal, when.
4. Vacancies, How Filled.
5. Organization, Election of Officers, Powers and Duties of.
6. Rules and Regulations Governing Use of Library.

SECTION.

7. Board of Directors Report, What to Contain.
8. City Ordinances, Imposing Penalties.
9. Donations, How Made, Trustees
10. Heretofore Existing Libraries, How Transferred. May Establish Reading Rooms.

AN ACT to Provide for the Establishment and Maintenance of Free Public Libraries and Reading Rooms in Cities of Not Less Than Five Thousand Population.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That the city council of any city of not less than five thousand population shall have power to establish and maintain a public library and reading room, or either of them, for the use and benefit of the inhabitants of such city, and may levy a tax, not to exceed one mill on the dollar annually on all the taxable property in the city, such tax to be levied and collected in like manner with other general taxes of said city, and to be known as the "Library Fund."

SECTION 2. When any city council shall have decided to establish and maintain a public library and reading room, or either of them, under this Act, the mayor of such city, shall, with the approval of the city council, proceed to appoint a board of six directors for the same, chosen from the citizens at large, with reference to their fitness for such office.

City Council
May Establish
Public Li-
brary and
Reading
Room, Levy
for.

Board of Di-
rectors, How
Appointed.

SECTION 3. Said directors shall hold office: One-third for one year, one-third for two years, and one-third for three years, from the first day of May following their appointment, and at the first regular meeting shall cast lots for the respective terms; and annually thereafter the mayor of such city shall, before the first day of May in each year, appoint as before, two directors to take the place of the retiring directors, who shall hold office for three years, and until their successors are appointed. Such mayor may, by and with the consent of the council, remove any director for misconduct or neglect of duty.

Term of
Office, Re-
moval, When.

SECTION 4. Vacancies in the board of directors occasioned by removals, resignations or otherwise, shall be reported to the city council, and be filled in like manner as original appointments, and no director shall receive compensation as such.

Vacancies,
How Filled.

SECTION 5. Said directors shall immediately after appointment, meet and organize by the election of one of their number as president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading room, or either of them, as may be expedient, not inconsistent with this Act. They shall have the exclusive control of the expenditure of all moneys collected and placed to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose. *Provided*, That all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other money of said city, and shall be paid out only upon the properly authenticated vouchers of the library board. Said board shall have

Organization,
Election of
Officers,
Powers and
Duties of.

power to lease and obtain rooms for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall in general carry out the spirit and intent of this Act. Said board shall have power, when approved by such city council, to purchase ground and erect thereon a suitable building for the use of said library. Said board shall have power to accept, or in its discretion to decline, donations tendered as provided in Section Nine (9) of this Act, and for the purpose of maintaining and augmenting collections other than collections of printed books and periodicals, may in its discretion expend moneys or incur obligations not exceeding in any one year ten (10) per centum of the whole amount paid into the library fund for such year.

Rules and
Regulations
Governing
Use of Li-
brary.

SECTION 6. Every library and reading room, or either of them, established under this Act, shall always be subject to such reasonable rules and regulations as the library board may adopt, in order to render the use of said library and reading room, or either of them, of the greatest benefit to the greatest number; and said board may exclude from the use of the said library and reading room, or either of them, any and all persons who shall wilfully violate such rules.

Board of Di-
rectors Re-
port, What to
Contain.

SECTION 7. The said board of directors shall make, on or before the first day of April in each year, an annual report to the city council, stating the condition of their trust on the first day of March of that year; the various sums of money received from the library fund, and other sources, and how such moneys have been expended and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift, or otherwise, during the year; the number lost or missing; the number of

persons attending; the number of books loaned out; and the general character and kind of such books, with such other statistics, information and suggestions as they may deem of general interest.

SECTION 8. The council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or other property thereof, and for injury to or failure to return any book belonging to such library.

City Ordinances, Imposing Penalties.

SECTION 9. Any person desiring to make donations of money, personal property, or real estate, for the benefit of such library, or for the establishment, maintenance or endowment of public lectures in connection with such library upon any subject designated by the donor in the field of literature, science and the arts (except that lectures in the interest of any political party politics or sectarian religion are expressly prohibited), shall have the right to vest the title to the money, personal property or real estate so donated in the board of directors created under this Act, to be held and controlled by such board when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property, the board shall be held and considered to be special trustee.

Donations, How Made; Trustees.

SECTION 10. Any library already existing or hereafter established in any city which shall establish a free library and reading room, or either of them, under the provisions of this Act, may be transferred by the society, association or individual owning the same, to the board of directors created under this Act, on such terms not inconsistent with the object of this Act, as may be mutually agreed upon; and as to such property, said board of directors shall be held and considered to be special trustees; *Provided*, also, That any incorporated city of not less than five

Heretofore Existing Libraries; How Transferred; May Establish Reading Rooms.

thousand population may establish one or more reading rooms to accommodate the inhabitants thereof, in different parts of said city, under the provisions of this Act.

SECTION 11. This Act shall take effect and be in force from and after May 1, 1901.

Approved this 8th day of March, 1901.

CHAPTER XIX.

TERRITORIAL MILITIA.

SECTION.

1. Regiment, Organization.
2. Encampment, Appropriation for.
3. Companies, Appropriation for.
4. Uniforms, and Equipments;
When Worn.
5. Larceny; When.

SECTION.

6. Company Drills.
7. Board of Control; Powers and
Duties of; Insurance of Prop-
erty.
8. Adjutant General.
9. Appropriation Authorized.

AN ACT to Provide for the Regulation of the Territorial Militia and Making Appropriations for its Maintenance, and Amending Section 6, Chapter 35, and Sections 20 and 34, of Chapter 35, of the Session Laws of 1895, and Section 2, Chapter 19, of the Session Laws of 1899, and Repealing Section 39, Chapter 35, of the Session Laws of Oklahoma of 1895.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Regiment,
Organization.

SECTION 1. That Section 6, of Chapter 35, of the Session Laws of Oklahoma, of 1895, be and the same is hereby amended to read as follows:

SECTION 6. To each regiment there shall be one colonel, one lieutenant colonel and one major to each battalion. The colonel may appoint a staff to consist of one surgeon to rank as captain, one assistant surgeon to rank as first lieutenant, one adjutant to rank as first lieutenant, one quartermaster, one commissary, one ordnance officer, one chaplain and one judge-advocate, each with the rank of captain, one battalion adjutant for each battalion to rank as first lieutenant and a non-commissioned staff to consist of one quartermaster, two hospital

stewards, one quartermaster sergeant, one commissary sergeant, one chief trumpeter, and one color sergeant.

SECTION 2. That Section 2, of Chapter 19, of the Act approved March 10, 1899, entitled "An Act to provide for the maintenance and annual encampment of the Militia of the Territory of Oklahoma" of the Session Laws of 1899, be and the same is hereby amended to read as follows: Encampment,
Appropriation
for.

SECTION 2. There is hereby appropriated out of money in the Territorial Treasury not otherwise appropriated, to the Oklahoma National Guard for an encampment of not to exceed six days, for transportation, rations and incidental expenses, the sum of Four Thousand Dollars annually, or so much thereof as may be necessary; *Provided*, However, That such encampment shall only be held by order of the commander-in-chief; *Provided*, That the expense of such encampment shall be paid upon warrants issued by the Auditor upon sworn and properly authenticated vouchers, approved by the commander-in-chief; *Provided*, Further, That the drawing of a warrant upon any fund after the appropriation therefor is exhausted is hereby made a misdemeanor and punishable accordingly.

SECTION 3. There is hereby appropriated out of money in the Territorial Treasury not otherwise appropriated, to each organized company of the Oklahoma National Guard, for armory rent, lights, fuel and stationery, the sum of \$10.00 per month, to the regimental adjutant for office rent, lights, fuel and stationery the sum of \$5.00 per month; *Provided*, That such sums shall be paid upon warrants issued by the Auditor upon sworn and properly authenticated vouchers of the commanding officers of the respective companies and by the regimental adjutant approved by the commander-in-chief, and, *Provided*, Further, Companies,
Appropriation
for.

That any organized company in time of peace may be increased to one hundred and six men upon orders of the colonel, approved by the commander-in-chief.

Uniforms and
Equipments.
When Worn.

SECTION 4. Uniforms or equipments in possession or under the custody or control of the National Guard or any company, post, detachment or enlisted man thereof shall not be worn while off duty, except by written permission of the officer commanding the company, post, detachment or enlisted man. Uniforms or equipment belonging to or in possession, custody or control of the Oklahoma National Guard worn by enlisted men, except while on duty or going to or returning from drills, and without the written permission of the commanding officer, is hereby declared to be a misdemeanor punishable by fine of not less than \$5.00 nor more than \$25.00 or by imprisonment for not less than five nor more than fifteen days, or by both such fine and imprisonment. It is hereby made the duty of each company's commanding officer to report any violation of this section to the proper county attorney for prosecution; and any officer whose duty it is to make such report who shall fail so to do is guilty of a misdemeanor and shall upon conviction be punished as is herein provided for the punishment of an enlisted man.

Larceny,
When.

SECTION 5. Any member of the Oklahoma National Guard, or any person who shall steal, take or carry away, with intent to steal or purloin the same or appropriate the same to his own use or benefit, any equipment, uniform or property issued to or in the possession, custody or control of the National Guard of Oklahoma Territory, or any company, detachment, post or member thereof, or in any armory or at any encampment, and not condemned by a proper board of survey, is punishable by imprisonment in the Territorial prison not exceeding ten years or by a fine not exceeding \$5,000.00, or both.

SECTION 6. It is hereby made the duty of each com-
pany of the National Guard to have regular drill not
less than twice each month; any commissioned officer
belonging or assigned to a company, who shall fail to
attend its regular drills without reasonable excuse
to the colonel commanding, shall by the colonel be
summarily discharged from the service without
honor. Any enlisted man who shall fail to attend
said drills without reasonable excuse approved by the
commanding officer of his company, or fail to obey
the orders of his commanding officer, shall be dis-
honorably discharged by the commander-in-chief
from the service. Reasonable excuse, as used in this
section, is defined to mean only matters of unavoid-
able casualty, accident or business of urgent import-
ance.

Company
Drills.

SECTION 7. There is hereby created a military
board of control, of three members consisting of the
colonel of the regiment and the two senior captains.
The colonel shall be chairman of such board and one
of the said senior captains shall be elected secretary
thereof. Such board shall meet at the capitol of the
Territory, upon the order of the chairman for the
transaction of business.

Board of Con-
trol, Powers
and Duties of;
Insurance of
Property.

Such board is hereby given the exclusive right and
authority to make requisition for and determine the
kind, character and amount of uniforms, equipage,
arms, ordnance, military stores and munitions of every
kind that are given, furnished or supplied by the
United States Government under any authority,
order or Act of Congress to or for the use of the Okla-
homa National guard; and such board shall de-
termine the manner and extent of the distribution
thereof among the several companies of such regi-
ment; and such Military Board of Control shall be
required to make to the commander-in-chief an
annual report showing the receipts and disposition of

all property and military stores coming under their charge under the provisions of this section, and they shall be subject to all the regulations of the Military Code of the Territory, for any failure or neglect in performing the duties prescribed by the provisions of this Act. The adjutant general is hereby authorized to insure all property under his charge.

Adjutant
General.

SECTION 8. That Section 20, Chapter 35, of the Session Laws of Oklahoma of 1895, be and the same is hereby amended to read as follows:

SECTION 20. The adjutant general, unless otherwise ordered by the commander-in-chief, shall be ex-officio quartermaster general, chief of ordnance, paymaster general, and commissary general. He shall receive per annum a salary of Six Hundred Dollars, payable monthly, out of the Territorial Treasury.

Appropriation
Authorized.

SECTION 9. That Section 34, Chapter 35, of the Session Laws of Oklahoma of 1895, be and the same is hereby amended so as to read as follows:

SECTION 34. The Legislative Assembly is hereby authorized to provide by appropriation, a contingent fund to meet the necessary expenses of the adjutant general's office, and such other expenses as may be necessary, but no indebtedness in excess of such appropriation shall be incurred; *Provided*, Such fund to be paid on and only upon order of adjutant general, with the approval of the commander-in-chief. The actual and necessary expenses of the several staff officers, other than those of the adjutant general, incurred in the discharge of their official duties, not to exceed One Hundred and Fifty Dollars in any one year, shall be audited by the Territorial Auditor, and warrants drawn therefor on the Territorial Treasury upon accounts approved by the commander-in-chief, and verified as other accounts against the Territory.

SECTION 10. That Section 39, Chapter 35, Session Laws of Oklahoma, of 1895, and all Acts and parts

of Acts in conflict with the provisions of this Act are hereby repealed.

SECTION 12. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

CHAPTER XX.

MORTGAGEE, RIGHTS OF.

SECTION 1.

1. Mortgagees Rights, Creditor
Subrogated, When.

AN ACT to Amend Section 28, of Chapter 51, General Section 3280, of the Statutes of 1898, and for Other Purposes.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That Section 28, of Chapter 51, General Section 3280, of the Statutes of Oklahoma, of 1893, is hereby amended so as to read as follows:

Mortgagees
Rights,
Creditor Sub-
rogated,
When.

SECTION 28. Before the property is so taken the officer, on execution, or attachment creditor, must pay or tender to the mortgagee, the amount of the mortgage debt and interest, or must deposit the amount thereof with the county treasurer, payable to the order of the mortgagee. In the event that the attachment or execution levied on such property is defeated or for any reason fails, and the attachment or execution lien is held not good, and such deposit has been made with the county treasurer, the party procuring the issuance and levy of said attachment or execution shall be subrogated to all rights of the mortgagee in and to said property.

SECTION 2. This Act shall take effect and be in force from and after its passage and approval.

Approved this 6th day of March, 1901.

CHAPTER XXI.

POOR AND INSANE.

SECTION.

1. County Commissioners; Overseers of Poor.
2. Temporary Relief; May Purchase Poor Farm, When; May Establish County Asylum.
3. May Rent County Asylum.
4. Legal Settlement of Poor Person, How Determined.
5. Counties May Appeal to District Court, When.

SECTION.

6. Legal Residence, How Acquired.
7. Suits Brought in name of County Commissioners.
8. Superintendent of County Asylums; Bond of, Duties of, Salary.
9. Committee to Visit Asylum.
10. Tax Levy for Poor Farm.

AN ACT to be Entitled An Act for the Support of the Poor of the Several Counties of the Territory of Oklahoma and to Establish and Maintain Asylums therefor.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

County Commissioners;
Overseers of
Poor.

SECTION 1. The County Commissioners of the several counties of the Territory of Oklahoma shall be overseers of the poor for their respective counties, and shall perform all the duties with reference to the poor of their said counties that may be prescribed by law.

Temporary
Relief; May
Purchase Poor
Farm, When;
May Establish
County Asylum.

SECTION 2. Every county shall relieve and support all poor and indigent persons lawfully settled therein, whenever they shall actually need assistance, and shall allow such temporary relief to persons not settled therein as shall be actually necessary pending the ascertainment of his or her legal settlement and removal thereto; and for that purpose, and to more economically and humanely care for such poor and indigent persons the Boards of County Commissioners of the respective counties of Oklahoma Territory may, if they deem it to the best interest of the county, upon the petition of at least one-fourth of the resident taxpayers of the county as shown by the last assessment rolls of said county, purchase land for a poor farm, and erect such buildings and make such other improvements thereon as shall be necessary to estab-

lish a county asylum for such poor of the county as can be properly cared for at such asylum; and the said overseers of the poor are hereby given authority, in their respective counties, to place all poor and indigent persons, needing and entitled to support from the county, who can be properly cared for therein, in such asylum, to be cared for by the county until they are able to care for themselves, or relatives are found whose duty it is to care for them, or in case of children, until they are able to support themselves, or find a home elsewhere; *Provided*, However, That the said Boards of County Commissioners of the said counties shall not establish any county asylum in any county of said Territory, at a greater expense to said county for land and improvements thereon, than the sum of \$5,000 without having submitted the proposition for the establishment of such asylum to a vote of the people of the county, at some general election, at which it shall take a majority of all votes cast to carry the proposition; *Provided*, That nothing in this Act shall affect any purchase of poor farm or the erection of buildings thereon heretofore made by any county in this Territory.

SECTION 3. That such counties of the Territory of Oklahoma, that are not ready to purchase a poor farm and erect a county asylum, but which desire a place to keep the poor of the county together, are hereby authorized to rent a suitable place and establish a county asylum in all other respects the same as though such county or counties had purchased a poor farm, and thus obtained an asylum for the poor, except that instead of levying a tax to pay for such asylum, the overseers shall levy a tax annually to pay the rental of such asylums.

May Rent
County Asy-
lum.

SECTION 4. The overseers of the poor of any county in the Territory shall examine into any application

Legal Settle-
ment. of Poor
Person, How
Determined.

made to them by, or on behalf of any poor person for relief, and if such applicant have a settlement in the county they shall determine whether such relief be temporary and such as may be supplied by said overseers, or the applicant shall be removed to the county asylum. If, in such case, the relief sought be of a temporary character, or the person seeking relief cannot be removed, it shall be furnished by said overseers; if otherwise, and such poor person can be removed, he or she shall be placed in the county asylum. If the person seeking relief have no settlement in the county, or the overseers are in doubt as to where the settlement of such person is, or if there is a poor person in the county that is likely to become a charge on the county, in either of these events, the said overseers may file a complaint in the probate court in the county where the pauper is found setting forth the facts in the case upon which notice shall issue, which shall be served upon said poor person in like manner as a summons is served from justice court fixing a time for a hearing, to determine the settlement of such poor persons, whereupon the said court shall hear evidence and determine the legal settlement of said poor person, and if found to be within the Territory, but outside of said county, the court shall issue an order of removal, and said poor person shall be removed to the county in which his or her legal settlement was, or, if said settlement is found to be outside of the Territory, then said poor person shall be removed outside the Territory.

Counties May
Appeal to
District Court,
When.

SECTION 5. If any person be removed by process under this Act from any county in the Territory to any other county therein, as hereinbefore provided, the overseers of the poor of the county to which such poor person is removed, shall receive such person. *Provided*, That if the overseers of any county to which a poor person has been removed, shall feel aggrieved

over said removal, they may appeal from said order of removal to the district court of the county whence the removal was made within twenty days after notice of said removal, which appeal shall in other respects be taken as other appeals are taken from the probate to the district court, and there be tried as other appeals are by law tried.

SECTION 6. Legal residence may be acquired in any county for purposes of county relief as follows:

Legal Residence, How Acquired.

First: Every male person and every unmarried female, over the age of 21 years who shall have resided continuously in any county of this Territory six months shall thereby gain a residence in said county:

Second: A married woman shall have the settlement of her husband, if he have one in the Territory. If he have no settlement in the Territory she may obtain a settlement for the purpose of this Act, by six months continuous residence in any county in the Territory.

Third: Legitimate minor children shall have the residence of their father, if he have one in the Territory. If he have no residence in the Territory, they shall have the residence of their mother, if she have one in the Territory.

Fourth: Illegitimate children shall have the residence of their mothers, if she have one in the Territory.

Fifth: Every minor whose parents have no residence in this Territory, and every married woman whose husband has no residence therein shall gain a residence by six months continuous residence in any county in the Territory.

Sixth: Every adopted child shall have the residence of his or her foster parents.

Seventh: Every apprentice, in good faith, shall have the residence of his or her master or mistress.

Suits Brought
in Name of
County Com-
missioners.

SECTION 7. All suits and proceedings under this Act for the purpose of determining residence for obtaining relief, or resisting the same shall be in the name of the Board of County Commissioners of the county or counties concerned.

Superinten-
dent of
County Asy-
lums; Bond of,
Duties of,
Salary.

SECTION 8. Whenever, under the provisions of this Act an asylum for the poor has been established by the overseers of the poor of any county, in this Territory, said overseers shall employ some good and responsible person resident of the county wherein the asylum is erected to take charge of the same upon such terms and under such restrictions as such overseers shall consider most advantageous for the interests of the county and the welfare of the inmates of said asylum. The party so employed shall be called Superintendent of the County Asylum. He shall give a bond to the county, with sureties to be approved by the Board of County Commissioners, conditioned that he will care for, and protect the property of the county in his charge, and under his control, and for the faithful discharge of his duties as guardian of the poor. He shall be appointed or employed by the year and at the end of the year for which he is appointed he shall make and file with the county clerk, to be considered by the Board of County Commissioners, a complete report of all business transacted by him as such superintendent, and shall attach to such report an invoice of all the personal property in his possession as such superintendent. The said superintendent shall have authority to cause the inmates of such asylum, who are able to do so, to labor upon said poor farm and in and about the buildings thereon, under his direction. Said superintendent shall have such salary as the said overseers shall fix, not exceeding the sum of \$600 per annum and board for himself and family at said asylum.

SECTION 9. It shall be the duty of said overseers of said poor, at least once a year, to appoint three well informed, substantial citizens, not of kin to nor interested in the superintendent, who shall serve without compensation, to visit said asylum and report its condition to said overseers. No fees shall be received, charged or taxed for official services in any proceeding to determine the residence of any poor person.

Committee to
Visit Asylum.

SECTION 10. The Board of County Commissioners may levy a special tax each year of not to exceed one-half mill on the dollar, of the assessed valuation of said county, to be applied to the payment of said poor farm and improvements thereon, until said poor farm is fully paid for. The levy for the maintenance of said asylum shall be made under the revenue law of the Territory.

Tax Levy for
Poor Farm.

SECTION 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 12. This Act shall take effect and be in force from and after its publication.

Approved this 8th day of March, 1901.

CHAPTER XXII.

OCCUPYING CLAIMANTS.

SECTION.

1. Specific Findings of Court; Three Disinterested Free-Holders, When Appointed; Appraisement by, Jury Empaneled, When.

SECTION.

2. Claimant to Pay Excess; Appeals, How Taken.

AN ACT Relating to Occupying Claimants and Amendatory of General Sections 4500 and 4505 of the Statutes of Oklahoma, of the Year 1898, and for Other Purposes.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Specific Findings of Court; Three Disinterested Free-Holders, When Appointed; Appraisement by, Jury Empaneled, When.

SECTION 1. Section 622 of the Code of Civil Procedure, the same being General Section 4500 of the Statutes of Oklahoma of the year 1893, is hereby amended so that the same shall read as follows, viz:

SECTION 622. The court rendering judgment in any case provided for by this article against an occupying claimant, shall, at the request of such occupying claimant, for the benefit of the provisions of this article, cause an entry to be made upon the journal of such request, and shall at once set a day for the trial of the right of such occupying claimant to compensation for all lasting, valuable and permanent improvements made by such occupying claimant, or those under whom he claims upon the premises prior to the issuing of summons in the cause, and at such trial each party shall produce his evidence relating to such improvements, and the court shall make specific findings of fact on all matters relating to the right of such occupying claimant to compensation for such improvements, and shall find specifically whether such improvements were made in good faith and under color of title and whether the occupying claimant is entitled to the benefit of this article, which findings shall be entered at length upon the journal, and if the court shall

find that the occupying claimant is entitled to compensation for such improvements, it shall at once appoint three disinterested freeholders of the county who shall have the qualifications of jurors in the cause, to assess the actual value of the improvements on the date of the assessment, of which appointment and the date of assessment all parties to the action shall have five days' actual notice; also the rental value of the premises from the date of the summons to the date of the appraisal; also the actual value of the land without the improvements; which assessments shall be made upon actual view of the premises, and said appraisers shall reduce their appraisal to writing and return the same to the court or clerk thereof forthwith; and upon such report the court shall render judgment in accordance therewith; *Provided*, That if either party shall at any time before the return and filing of the report of the appraisers, demand a trial by a jury, the court shall at once discharge the appraisers and empanel a jury to find the facts and make the assessment of value which the appraisers were to make, which trial shall be had in open court and upon proofs to be adduced by the parties, and the trial shall be conducted in all respect as other jury trials, and the court may, in its discretion, send the jury to take an actual view of the premises, and the said jury shall return their findings of value into court and the court shall then enter judgment in accordance with such findings; *Provided* That if either party deem himself aggrieved by such assessment of values or findings of the court, he may, upon motion and proper showing, obtain a new trial as in other cases under the Code of Civil Procedure of this Territory.

SECTION 2. Section 4505 of the Statutes of Oklahoma, of 1893, is hereby amended so that the same shall read as follows:

Claimant to
Pay Excess;
Appeals, How
Taken.

SECTION 4505. That if the appraisers or jury appointed or empaneled as hereinbefore provided under the provisions of this Act shall find that the value of the improvements is greater than the value of the rents and damages and waste, then the court shall enter judgment that the successful claimant pay to the clerk of the court for the use of the occupying claimant the full amount of the excess of the value of the improvements over the value of the rents, damages and waste before writ of ouster shall issue; *Provided*, If either party shall deem himself aggrieved by the judgment and shall desire to contest either or both the findings of the court or the appraisement of the appraisers or the jury herein provided for, by appeal or otherwise, to a higher court, and the successful claimant shall execute an undertaking to the occupying claimant in double the amount of the excess in value as found by the appraisers or the jury, with good and sufficient surety to be approved by the clerk of the court, conditioned that he will pay such excess with interest from the date of the judgment, if the judgment be affirmed by the appellate court, then the writ of ouster shall, at the request of the successful claimant issue at once.

SECTION 3. General Sections 4500, 4501, 4502, 4503, 4505, 4506, 4508 and 4509, of the Statutes of Oklahoma of the year 1893, and all Acts and parts of Acts in conflict with the provisions of this Act be, and the same are hereby repealed; and all actions now pending in the courts of this Territory, involving the rights of occupying claimants, shall be governed by the provisions of this Act.

SECTION 4. This Act shall take effect and be in force from and after its passage and approval.

Approved this 19th day of February, 1901.

CHAPTER XXIII.

PROCEDURE CIVIL BEFORE JUSTICE.

SECTION.

1. Appeals From Justices of the Peace in Certain Cases.

AN ACT to Provide for Appeals From Justices of the Peace in Certain Cases.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. The plaintiff in any action brought under Article Four (4), of Chapter Sixty-seven (67) of the Statutes of Oklahoma, 1893, may appeal to the district court of the county wherein said action is brought, from an order of a justice of the peace, dissolving an attachment, or releasing a garnishee, by filing an appeal bond as in other cases. When the plaintiff shall notify the defendant that he intends to appeal from the order of the justice of the peace dissolving an attachment, the property attached shall not be released until the expiration of ten days, after such order, and upon the giving of such appeal bond, such attached property shall be held to abide the order and judgment of the district court where the motion to dissolve the attachment shall be tried de novo.

Appeals
From Justices
of the Peace
in Certain
Cases.

SECTION 2. This Act shall take effect and be in force from and after its approval.

Approved this 8th day of March, 1901.

CHAPTER XXIV.

PROCEDURE CRIMINAL.

ARTICLE.

1. Special Judge.

ARTICLE.

2. Subpoena, Service of.

ARTICLE 1.—SPECIAL JUDGE.

SECTION.

1. Special Judge, How Selected.

AN ACT Amending Section 9, and Repealing Section 8, of Chapter 41, Session Laws of Oklahoma, 1895, Relating to Procedure Criminal.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Special Judge,
How Selected.

SECTION 1. That Section 9, Chapter 41, of the Session Laws of Oklahoma, 1895, be, and the same is hereby amended to read as follows:

SECTION 9. If the defendant shall, before witnesses are subpoenaed, make affidavit that he cannot have a fair and impartial trial before the probate judge by reason of the bias or prejudice of the judge or that the judge is a material witness in the cause, or is related to the party in interest, such probate judge shall thereby be disqualified to try such cause, and when the probate judge is disqualified to try any criminal cause pending in the probate court, the county attorney and defendant may agree on a special judge to preside in his stead; but if they fail so to do, the disqualified judge shall proceed to select a special judge as follows: He shall nominate an odd number of persons not less than three, having the qualification of a probate judge, if there be so many qualified to hold such office residing in the county, or in attendance upon the court and the parties may alternately challenge such nominees until they are reduced to one, who shall be the special judge, and shall preside in the cause or other matter with authority to do any act that the regular judge, if not disqualified, might have done in such cause;

but if there be not so many as three qualified persons residing in the county or in attendance upon the court who may be nominated by the disqualified judge, he shall appoint a qualified person to act in his stead, and such person shall have full power to perform the duties of probate judge in such cause.

SECTION 2. Section 8, Chapter 41, of the Session Laws of Oklahoma, 1895, and all Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 2.—SUBPOENA, SERVICE OF.

SECTION.

1. Subpoena, How Served.

AN ACT to Amend Section 9, Article 17, Chapter 68, Statutes of Oklahoma, of 1893, Relating to Service of Subpoenae in Criminal Cases.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That Section 9, Article 17, Chapter 68, Subpoena,
How Served. Statutes of Oklahoma, 1893, be, and is hereby amended to read as follows:

SECTION 9. Subpenas shall be served either by reading, or by copy, delivered to the witness, or left at his usual place of residence, but such copy need not contain the name of any other witness.

SECTION 2. All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

CHAPTER XXV.

PUBLIC FUNDS.

ARTICLE. 1. Investment of Territorial Funds.	ARTICLE. 2. Misappropriation of Public Funds.
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ARTICLE 1.—INVESTMENT OF TERRITORIAL FUNDS.

SECTION. 1. Treasurer; To Invest Public Building Fund, How.	SECTION. 3. Warrants Purchased, to What Fund Carried.
2. Warrants, How Purchased; Attorney General, to Examine.	

AN ACT Providing for the Investment of the Public Building Fund of the Territory of Oklahoma.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Treasurer, to Invest Public Building Fund, How.

SECTION 1. The Territorial Treasurer, under the advice and direction of the Governor, is hereby authorized and required to invest the public building fund now in the treasury and such part of said fund as may accumulate in the next two years, in Territorial five or six per cent interest bearing warrants drawn against the general fund of the Territory.

Warrants, How Purchased; Attorney General, to Examine.

SECTION 2. The Treasurer is authorized to pay for such warrants their cash value, but in no event shall he pay more for any such warrants than the principal and accrued interest on the same up to the time of such purchase and payment, and, *Provided, further,* That the treasurer shall not invest any of such money in any such warrant until the same has been examined by the Attorney General and by him found to be a valid and subsisting debt against the general fund of the Territory; *And, Provided further,* That such warrants shall be purchased and redeemed in the order of their presentation and registration as now shown by official records or may hereafter be registered if the owners of such warrants desire the benefits of this Act.

SECTION 3. All such warrants so purchased shall be covered into the Territorial Treasury and carried to the account of the public building fund, and shall be carried assets of the public building fund until such time as the Legislative Assembly shall authorize the repayment of such money to the public building fund.

Warrants Purchased, to What Fund Carried.

SECTION 4. All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 5. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 2.—MISAPPROPRIATION OF PUBLIC FUNDS.

SECTION.

1. Contracts of Municipal Boards; Void, When.
- 2 Public Officer, Liable, When; Contractor, Liable, When.

SECTION.

3. Resident Tax-Payer May Maintain Suit After Written Demand Upon Officer.

AN Act for the Prevention of Misappropriations of Public Funds and for the Recovery of Money and Property of Public Corporations Unlawfully paid Out or Transferred.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That no Board of County Commissioners of any county, nor city council of any city, nor board of trustees of any township, town or village, nor any district board of any school district in this Territory shall make any contract with any of its members, or in which any of its members shall be directly or indirectly interested; and that all contracts made in violation of this section shall be wholly void.

Contracts of Municipal Boards; Void, When.

SECTION 2. That every officer of any county, township, city, town, village or school district, who shall hereafter order or direct the payment of any money or transfer of any property belonging to such county, township, city, town, village or school district in settlement of any claim known to such officers to be

Public Officer, Liable, When. Contractor, Liable, When.

fraudulent or void, or in pursuance of any unauthorized, unlawful or fraudulent contract or agreement made or attempted to be made, for any such county, township, city, town, village or school district by any officer or officers thereof, and every person, having notice of the facts, with whom such unauthorized, unlawful or fraudulent contract shall have been made, or to whom, or for whose benefit such money shall hereafter be paid or such transfer of property shall be made, shall be jointly and severally liable in damage to all innocent persons in any manner injured thereby, and shall be furthermore jointly and severally liable to the county, township, city, town, village or school district affected, for double the amount of all such sums of money so paid, and double the value of property so transferred, as a penalty, to be recovered at the suit of the proper officers of such county, township, city, town, village or school district, or of any resident taxpayer thereof, as hereinafter provided.

Resident Tax-
Payer May
Maintain Suit
After Written
Demand
Upon Officer.

SECTION 3. That upon the refusal, failure or neglect of the proper officers of any county, township, city, town, village or school district, after written demand made upon them by ten resident taxpayers of such county, township, city, town, village or school district, to institute or diligently prosecute proper proceedings at law or in equity for the recovery of any money or property belonging to such county, township, city, town, village or school district, paid out or transferred by any officer thereof in pursuance of any unauthorized, unlawful, fraudulent or void contract, made, or attempted to be made, by any of its officers for any such county, township, city, town, village or school district, or for the penalty, provided in Section Two of this Act, any resident taxpayer of such county, township, city, town, village or school district affected by such payment or

transfer after serving the notice aforesaid and after giving security for cost, may, in the name of the Territory of Oklahoma as plaintiff, institute and maintain any proper action at law or in equity which the proper officers of the county, township, city, town, village or school district might institute and maintain for the recovery of such property, or for said penalty and any such municipality shall in such event be made defendant, and one-half the amount of money and one-half the value of the property recovered in any action maintained at the expense of a resident taxpayer under this section, shall be paid to such resident taxpayer as a reward.

SECTION 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 5. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

CHAPTER XXVI.

QUARANTINE.

SECTION.

1. Live Stock Sanitary Commission, Governor to Appoint; Vacancy, How Filled.
2. Qualifications of Members.
3. Salary of Members; Secretary, Salary of.
4. One Inspector, a Veterinarian.

SECTION.

5. Quorum, Meeting of Commission.
6. Duties of Commission, and Quarantine Lines Established, Removal of Inspector; Malfeasance, Liability.

AN ACT to Amend Sections 1, 2 and 3, of Chapter 31 of the Session Laws of Oklahoma, of 1897, and for Other Purposes.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That Section 1, of Chapter 31, of the Session Laws of Oklahoma for the year 1897, be, and the same is hereby amended to read as follows:

SECTION 1. That immediately upon the taking effect of this Act the Governor of the Territory of

Live Stock,
Sanitary Com-
mission, Gov-
ernor to Ap-
point; Vac-
ancy, How
Filled.

Oklahoma, by and with the advice and consent of the council, shall appoint three competent persons, residents of the Territory of Oklahoma, who shall hold their office for two years and until their successors are appointed, to constitute the live stock sanitary commission of the Territory of Oklahoma. Whenever a vacancy in the membership of such commission shall occur, by reason of death, resignation, expiration of term or removal from office or otherwise, the Governor shall appoint a successor who shall be qualified under the provisions of this Act.

Qualifications
of Members.

SECTION 2. Not more than two of the members of said commission shall be of the same political party, and at least two of said commission shall be cattlemen or persons of experience in cattle business.

Salary of
Members;
Secretary,
Salary of.

SECTION 3. The members of said live stock sanitary commission shall receive for their services while attending meetings of the commission, the sum of three dollars per day and three cents per mile for distance necessarily and actually traveled in attending such meetings. One member of said commission shall be appointed secretary of said commission, who shall be the executive officer of the board and shall receive a salary of One Hundred Dollars a month, but the secretary shall receive no per diem; the said secretary shall also receive the actual and necessary expenses of his office, not exceeding for any one year the sum of Two Hundred Dollars, said salary and expenses and per diem to be paid out of any money in the Territorial treasury not otherwise appropriated.

One Inspector,
a Veterin-
arian.

SECTION 4. One of the inspectors appointed by the live stock sanitary commission under the provisions of the Act of which this Act is amendatory, shall be a qualified veterinarian and a graduate of some recognized veterinary college.

SECTION 5. That Section 2, of said Chapter 31, of the Session Laws of Oklahoma, 1897, be and the same is hereby amended to read as follows:

Quorum,
Meeting of
Commission.

SECTION 2. A majority of the members of said commission shall constitute a quorum for the transaction of business. Said commission shall meet at any place in the Territory when necessary and may meet at various times, not to exceed thirty days in any one year, and said commission shall be paid out of the Territorial Treasury, upon warrants drawn by the Territorial Auditor, on the vouchers of said board.

SECTION 6. That Section 3, of said Chapter 31, of the Session Laws of Oklahoma Territory, 1897, be, and the same is hereby amended to read as follows:

Duties of
Commission
and Quar-
antine Lines
Established:
Removal of
Inspector;
Malfeasance,
Liability.

SECTION 3. It shall be the duty of the commission provided for in the first section of this Act, to protect, as far as practicable, the live stock of this Territory from all contagious or infectious diseases of a malignant character, whether said disease exist in this Territory or elsewhere, and for this purpose they are hereby authorized and empowered to establish, maintain and enforce such quarantine lines, and lines established by law and to make all reasonable and necessary sanitary rules and regulations, and to provide rules and regulations for the enforcement and execution of the same, and to prevent the importation and exportation of diseased live stock and the spread of infectious and contagious diseases among domestic animals. It shall also be the duty of said commission to co-operate with the live stock sanitary commissioners, boards and officers of other States and Territories and with the United States Secretary of Agriculture, in establishing such quarantine lines, rules and regulations as shall in their judgment best protect the live stock industry of this Territory against contagious or infectious diseases of a malignant character; said rules to be uniform with

those of the Secretary of Agriculture of the United States in regard to the prohibited period when it shall be unlawful to cross the quarantine lines established by the Secretary of Agriculture and by this Act; and they are hereby empowered and authorized to make a thorough investigation as to the best manner of disinfecting animals, pens, shipping pens and railway cars that are liable to communicate or convey contagious or infectious diseases of a malignant character to live stock, and to adopt such rules and regulations to enforce their disinfection as they may deem necessary. That the quarantine line of the Territory of Oklahoma is established as follows, to-wit: Commencing at a point where the Arkansas river crosses the Kansas State line; thence south along the Arkansas river to the northeast corner of the Ponca Indian reservation; thence west along the north boundary line of the Ponca Indian reservation to the main line of the railroad track of the Atchison, Topeka and Santa Fe Railroad Company; thence south on said main track to the Salt Fork of the Arkansas river; thence down said river to a point where the same empties into the Arkansas river; thence down the west bank of the Arkansas river to the line between the Ponca Indian reservation and the Otoe and Missouri Indian reservation; thence west on said line between the Ponca Indian reservation and the Otoe and Missouri Indian reservation to the main track of the Atchison, Topeka and Santa Fe Railway Company; thence down said main track to the south line of the said Otoe and Missouri Indian reservation; thence east on a line between Noble County and said reservation to the southeast corner of said reservation; thence north on a line between said reservation and Pawnee County to the Arkansas river; thence down said river to the north boundary line of the Creek Nation; thence west along the line

between the Creek Nation and the Territory of Oklahoma to the northwest corner of the Creek Nation; thence south on a line between the Creek Nation and the Territory of Oklahoma to the southeast corner of Lincoln County; thence west on a line between Lincoln County and Pottawatomie County to the northwest corner of Pottawatomie County; thence south on a line between Pottawatomie County and Oklahoma and Cleveland counties to the township line between Townships Seven and Eight north; thence west on said line to the South Canadian river; thence westerly up said river along the meanders of said river to the northeast corner of the Wichita Indian reservation; thence up said river to the northwest corner of the Wichita reservation; thence south along a line between the Wichita reservation and Custer County and Washita County to the southeast corner of Washita County; thence west along the line between Washita County and the Kiowa and Comanche reservation to the North Fork of the Red river; thence down and along said North Fork of the Red river to a point of confluence with the Red river; thence up said Red river to a point where said Red river is intersected by the United States quarantine line; *Provided*, However, That the said commission may in its discretion establish sub-quarantine lines as in their judgment will best protect the people in the Kiowa and Comanche, Apache and Wichita Indian reservations and may in its discretion establish a temporary line as far south as the Red river; but it shall not be empowered to change or affect the permanent line established herein to in any manner affect the people living north of said permanent line along said reservations; *Provided*, such cattle if found to be healthy and free from infection upon inspection shall be permitted to cross the Territorial quarantine line and be brought into this Territory

between December first and February first of each year and at such other time as the live stock sanitary commission of Oklahoma may order under its rules; *Provided, further*, This section shall not authorize the transportation of such cattle across the federal quarantine line.

The inspector of the district shall be removed from office if he delays any such inspection longer than is necessary; *Provided*, That if any sheriff or inspector shall be guilty of malfeasance in office claiming authority under the quarantine laws of this Territory he shall be civilly liable for all damage done by reason of such malfeasance.

SECTION 7. That Sections 1, 2 and 3, of Chapter 31, of the Session Laws of Oklahoma of 1897, and all Acts and parts of Acts in conflict with this Act, be and the same are hereby repealed.

SECTION 8. This Act shall take effect and be in force from and after its passage and approval.

Approved this 7th day of March, 1901.

CHAPTER XXVII.

REVENUE.

ARTICLE.

1. Fiscal Year Defined.
2. Live Stock, Where Taxed.

ARTICLE.

3. Road and Bridge Tax.
4. Taxation in Unorganized Countries.

ARTICLE 1.—FISCAL YEAR DEFINED.

SECTION.

1. Fiscal Year Defined.

AN ACT Relating to the Fiscal Year Defined and Amendatory of Section 1, of Article 1, of Chapter 32, Session Laws of 1897, of Oklahoma Territory.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That Section 1, of Article 1, of Chapter ^{Fiscal Year Defined.} 32, of the Session Laws of 1897, be amended, and is hereby amended to read as follows:

SECTION 1. That the fiscal year for the Territory of Oklahoma and each county, township, or city, or other municipal subdivisions thereof, shall commence on the first day of July and end on the thirtieth day of June of each and every year.

SECTION 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 16th day of February, 1901.

ARTICLE 2.—LIVE STOCK, WHERE TAXED.

SECTION.

1. Live Stock, Where Taxable.

AN ACT to Encourage the Feeding of Live Stock.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. Whenever any cattle or other live ^{Live Stock, Where Taxable.} stock belonging to a resident of this Territory shall be driven or transported from one county to another

in the Territory of Oklahoma, between the first day of November of any year and the fifteenth day of April following, for the express purpose of being fed and being prepared for market, or for the purpose of being winter fed upon grain, fodder or other roughness, the product of such county, such cattle or live stock shall not be listed for taxation for such year in such county if the owner or agent in charge of said property shall by affidavit show that said property was listed for taxation for that year in the county where the owner of such live stock resides.

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 3.—ROAD AND BRIDGE TAX.

SECTION

1. County Commissioners, to Let Contracts; To be Supervisors in Their Districts; Compensation.
2. County Surveyor, Duties of; Advertisement for Bids; Bid-der to Give Bond.
3. Township Trustee Supervisor in His Township, Powers of; Road Overseers, How Appointed, Duties of, Compensation.
4. Delinquent Poll Tax, How Collected.

SECTION.

5. Boards May Change Highway, How; Appeal From Action of Board.
6. Levy of Road and Bridge Tax.
7. Township Board May Levy Road and Bridge Tax.
8. Liquor License Fund, Used How.
9. North and East Township Lines, In What Road District.
10. Bridges, Width of; County Clerk, Duties of.

AN ACT Empowering Counties and Townships to Levy Road and Bridge Taxes to Build Roads and Bridges and for Other Purposes.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. The Board of County Commissioners in any county in this Territory may let contracts for grades, bridges and surfacing of highways and to build bridges in proper form and condition for public travel. Such roads and highways or parts of high-

County Com-
missioners,
to Let Con-
tracts; To be
Supervisors in
Their Dis-
tricts; Com-
pensation.

ways to be established so as to constitute the principal thoroughfares of the county communicating with shipping points and market places resorted to by the inhabitants of the county. Said Board of County Commissioners shall be the sole judges of the places and roads where heavy grades, bridges, cuts or fills are necessary, and said board may in its discretion enter into an agreement with any township board within said county for the use of such money as by this Act provided co-jointly with the funds appropriated by the board of any township in the construction of bridges, grades, cuts or fills, as herein provided. The members of the Boards of County Commissioners are hereby made supervisors of roads in their respective districts with power to superintend all public works let by contract by the full board and shall receive as compensation for said work the sum of three dollars per day to be paid out of the general road and bridge fund for their time actually and necessarily used; *Provided*, That no commissioner shall receive pay for more than sixty days in any one year, in addition to the compensation already provided by law. *Provided, further*, That any incorporated city or town may appropriate money to aid the county or township or both in constructing roads leading into such city or town and in constructing bridges on such roads.

SECTION 2. Before the letting of any contract for the construction of any roads or portion of roads or grade, cut or fill, it shall be the duty of the Board of County Commissioners to employ the county surveyor or some competent civil engineer to make a proper survey of such roads, grades, cuts or fills, as the Board of County Commissioners may direct. Such surveyor or civil engineer when so employed by the County Commissioners to perform the duties hereinbefore mentioned shall make a proper survey

County Surveyor. Duties of; Advertisement for Bids; Bidder to Give Bond.

and profile of each of said roads or portion of roads, grades, cuts or fills, and cause the same to be conspicuously marked throughout, noting the creeks, rivers, valleys, hills, and all other variations of surface, and when such survey is completed he shall file immediately with the county clerk a map or other drawing showing the specifications herein mentioned; *Provided, further*, That no contract shall be let for the building of any bridge across any principal stream until the surveyor or civil engineer provided for in this section shall be employed by the Board of County Commissioners to make all necessary measurements between banks, noting length of spans and approaches, including height and size of piers, together with an itemized estimate of costs of construction, and all necessary drawings, plans and specifications and file the same immediately upon the completion thereof with the county clerk. Such drawings, maps, or profiles shall at all times be open to inspection at the office of the county clerk, and the Board of County Commissioners shall advertise for four consecutive weeks in some newspaper printed in such county, a notice that such contract will be let to the lowest responsible bidder at the office of the county clerk of such county, within ten days after the last publication of such notice. A copy of said notice shall be posted on each road or portion of road or bridge for four weeks before such contracts are let. If no newspaper be published in such county, then such notice shall be posted as herein provided, and published in some newspaper having a general circulation in such county. All bids to be sealed and filed with the county clerk, on or before the day stated in such notice for the closing of bids. On the day following the day stated in such notice for the closing of bids the Board of County Commissioners shall, at the office of the county clerk, open

such bids, and award such contracts to the lowest responsible bidder for any such roads or sections of roads or bridge, requiring such bidder to give bond, with two or more good and sufficient sureties, to be approved by such board, which bond shall be given and payable to such county, conditioned that such contractor shall construct such roads according to said plans and specifications, maps, drawings and requirements of the contract with such county, with respect to such particular section of road and that such road or section of road or bridge will be constructed and completed within the time limit of such contract; *Provided*, However, That the Board of County Commissioners may reject any or all bids for any particular section of any such roads or bridges. *And, Provided further*, That in purchasing bridges, the Board of County Commissioners may in their discretion buy such bridges from the manufacturers thereof, when by so doing a saving can be made to the county.

SECTION 3. The township trustee is hereby made supervisor of roads within and for his township. He shall be empowered to employ labor and superintend the building, grading and construction of roads and bridges within his township in such manner as shall be directed by the township board. The township board shall appoint all necessary road overseers in their township not exceeding four in number who shall hold said office of road overseer for a period of one year unless sooner removed by the township board. Said road overseer when so appointed shall perform all the duties required by existing law and shall receive for his services one dollar and fifty cents per day for any number of days not exceeding twenty-five days in one calendar year, which shall be paid in general township fund warrants drawn on the proper officer by said township board. The town-

Township
Trustee Su-
pervisor in
His Town-
ship, Powers
of; Road
Overseers,
How Ap-
pointed.
Duties of,
Compensa-
tion.

ship trustee shall receive as compensation for his services one dollar and fifty cents per day for any number of days not exceeding thirty days in any one calendar year which shall be in like manner as the road overseer; *Provided*, That no sum shall be allowed to the road overseer or township trustee for the services mentioned in this section until such officers shall have filed with the township board a duly verified claim showing the time that such officer was actually and necessarily engaged in the performance of such service.

Delinquent
Poll Tax.
How Col-
lected.

SECTION 4. Any person or persons who under existing law are liable for four days work on the roads of his district, or the payment of four dollars in lieu thereof, who shall fail, or refuse for any cause to perform such four days work or send a suitable substitute therefor, or to pay such four dollars tax or any portion thereof on or before the first day of January of any year shall be liable for the unpaid portion thereof as for taxes, and on the first day of February following, the road overseer at each district shall report to the township trustee of his township the names of all such delinquent persons and the amount of their poll tax remaining unpaid and said township trustee shall before the first day of March following report the same to the county treasurer of such county stating the road district in which the delinquent lives and such unpaid tax shall be entered upon the tax rolls of such county as taxes charged against the delinquent by the county treasurer, and be collected as other taxes and when so collected, be paid to the township treasurer of such township and be expended in improvement of roads in which such delinquent lives; *Provided*, That nothing in this Act shall be construed to relieve such delinquent from the criminal prosecution now provided by law, for his failure to perform his road work, or to furnish

his substitute therefor, or to pay the same; *Provided*, The County Commissioners shall not levy a tax under the provisions of this Act to exceed four mills on the dollar except upon the unanimous vote of said board.

SECTION 5. When the Board of County Commissioners or township board desiring to build or construct roads according to the provisions of this Act, find the public interest would be best served or great expense saved by deviating from any established road or section line it shall then be the duty of said Board of County Commissioners or township board to notify the owner or owners, or agents of any land affected by said proposed change or deviation, by serving on said owner or owners, or agents, a written notice. Said notice shall be in writing; shall particularly describe the land to be taken and clearly state the time said board will view said land and shall be drawn in duplicate and one copy served on the owner, or owners, or agents of said land and the remaining copy shall be filed with the county clerk with a return endorsed thereon fully stating the manner of service, ten full days before the time fixed to view said land. *Provided*, That in case said notice cannot be served on the owner or owners, or agents in this Territory, the board shall cause said notice to be published for four consecutive weeks in some newspaper of general circulation in the county wherein said land is located, and shall fix the time to view said land at least ten full days after the last publication. On the day and hour fixed in the notice provided for in this section the said board shall go over said land and impartially view the same and use the best means at their command to ascertain the amount of damage said land owner or owners, will sustain. It shall be the duty of said board to then and there try in good faith to settle with said owner or owners, but in case said

Boards May
Change High-
ways, How:
Appeal From
Action of
Board.

owner or owners, or their agents do appear, or in case said board is unable to settle with said owner or owners, or agent, or in case said owner, owners or agents shall fail to appear at the time and place mentioned in said notice, the said board shall cause said ground to be taken, surveyed, and plat of the same filed with the county clerk together with an itemized statement of the amount of the award to said owner, or owners; *Provided*, That in case any such owner or owners of land taken shall feel himself or themselves aggrieved by reason of the award so made, he or they shall have the right to appeal from the action of said board to the district court upon the same terms and conditions provided by law for appeals from the Board of County Commissioners; *Provided, further*, That in no case where such appeal is taken shall the county be liable for any costs in such action in the district court unless such person so appealing shall recover damages in a greater sum than the award offered by said Board of County Commissioners.

Levy of Road
and Bridge
Tax.

SECTION 6. The Board of County Commissioners may levy a general road and bridge tax on all taxable property in such county not to exceed ten mills on the dollar of such taxable property, and which general road and bridge fund, when collected, shall be used, in the discretion of the Board of County Commissioners in the building of roads and bridges in any portion of such county according to the provisions of this Act.

Township
Board May
Levy Road
and Bridge
Tax.

SECTION 7. The township board of any township in this Territory may levy a general road and bridge tax on all taxable property in such township not to exceed five mills on the dollar of such taxable property, and which general road and bridge fund when collected shall be used in the discretion of said township board according to the provisions of this Act.

SECTION 8. That one-half of all the benefits received by the different counties in this Territory from licenses issued to sell intoxicating liquors shall be used for the purposes of defraying the expenses which may be incurred in carrying out the provisions of this Act; *Provided*, That the Board of County Commissioners shall have power to return to the general fund or the school fund any portion of said money not required in carrying out the provisions of this Act.

Liquor License Fund,
Used How.

SECTION 9. Road districts that are bounded on the east or north by a township or range line, shall extend one-half mile north or east of such township or range line, and all road districts bordering on any north or east section line in the interior of any township shall extend one-half mile north or east of such section line, and the persons residing within such one-half mile strips for the purpose of working out their poll tax, shall belong to the road district south or west of them; and if two districts under this rule cover the same district, then such territory shall be in the district west.

North and
East Town-
ship Lines;
In What Road
District.

SECTION 10. That all bridges, culverts, and fills provided for in this Act shall be at least sixteen feet wide. That all road overseers shall within a reasonable time after working any road, duly surface the same and culvert or fill all cuts across any intersecting line. That the county clerk shall furnish each road overseer a copy in pamphlet form of all the road laws.

Bridges,
Width of;
County Clerk
Duties of.

SECTION 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 12. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 4.—TAXATION IN UNORGANIZED COUNTRIES.**SECTION.****1. Taxes, Where Paid.**

AN ACT Relating to Taxation in Unorganized Countries.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Taxes,
Where Paid.

SECTION 1. That whenever any unorganized country, district or reservation in this Territory is or shall be by the supreme court detached for judicial purposes from any county and attached to some other county of the Territory for judicial purposes, any unpaid taxes assessed and levied prior thereto against any portion so detached and attached to another county situated in the country or reservation shall remain the property of the county to which such reservation was attached when the taxes were levied and the same shall be collected by the county officers of the county to which such unorganized country, district or reservation was attached when the taxes were levied the same as if the detachment from such county and re-attachment to another county had not been made. The same rule shall apply when only a part of any unorganized country, district or reservation is detached from one county and attached to another county for judicial purposes.

SECTION 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 6th day of March, 1901.

CHAPTER XXVIII.

SCHOOLS.

ARTICLE.

1. County High Schools.
2. Deer Creek High School.
3. Legalizing Action of School Board in Grant County.
4. Legalizing School District Warrants.
5. Northwestern Normal.

ARTICLE.

6. Preparatory University at Tonkawa.
7. Refunding Moneys to Certain School district.
8. School District Treasurers.
9. Separate Schools.
10. Southwestern Normal.
11. Territorial Board of Education.

ARTICLE 1.—COUNTY HIGH SCHOOLS.

SECTION.

1. Counties May Establish County High Schools.
2. Petition for Election; Notice of Election.
3. Election, How Held; Board of Trustees, How Selected; Bond of.
4. Organization of Board, Quorum.
5. Trustees to Make Estimates for Levy; Liability.
6. How Collected.
7. Treasurer of High School, Duties of; Report.
8. Selecting Site; Contract for Building; May Lease Building.

SECTION.

9. Selecting Teachers.
10. Rules and Regulations; Separate Schools.
11. Pupils from Other Counties.
12. Principal to Conduct and Govern School.
13. Graduates May Enter Territorial Colleges.
14. Annual Report of Trustees, What to Contain.
15. Board of Trustees; Vacancy, How Filled.
16. Salary of Secretary and Treasurer.

AN Act to Authorize the Establishment and Maintenance of County High Schools.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. Each county in the Territory of Oklahoma having a population of six thousand inhabitants or over as shown by the last Territorial or Federal census, may establish a high school on the conditions and in the manner hereinafter prescribed for the purpose of affording better educational facilities for pupils more advanced than those attending district schools.

SECTION 2. When one-third of the electors of the county, as shown by the returns of the last preceding election, shall petition the Board of County Commissioners requesting that a high school be established in their county at a place in the said petition named, or whenever the said County Commissioners shall in

Counties May Establish County High Schools.

Petition for Election; Notice of Election.

their discretion think proper, they shall give twenty days notice previous to any general or special election, that they will submit the question to the electors of said county whether such high school shall be established, and at the place specified at which election the electors of the county shall vote by ballot for or against establishing such high school. The notice contemplated in this section shall be given as are all legal notices of a general or special election.

Election, How
Held; Board
of Trustees,
How Select-
ed; Bond of.

SECTION 3. Said election shall be held in the same manner as are elections for county officers; and the votes on said question shall be canvassed in the same manner as in the election of county officers, and if a majority of all the votes cast shall be in favor of establishing such high school, the County Commissioners shall immediately proceed to appoint six persons, who shall be residents and freeholders of the county, but not more than three of whom shall be residents of the same township or city or members of the same political party, who shall with the county superintendent of instruction, constitute the board of trustees for such school. Each of said trustees, appointed as aforesaid, shall hold his office for a term of one year or until his successor is appointed and qualified and shall be required in ten days after appointment to qualify by taking the usual oath of office, and by giving such bond as may be required by said Board of County Commissioners for the faithful discharge of such duties.

Organization
of Board;
Quorum.

SECTION 4. The county superintendent shall, by virtue of his office, be president of said board of trustees. At the first meeting of said board of trustees in each year they shall appoint from their own members a secretary and treasurer who shall perform the duties devolving upon such officers and shall give such additional bond as the County Commissioners shall deem sufficient. A majority of said

board shall constitute a quorum for the transaction of all business, but four votes in the affirmative or negative shall be required to decide any question.

SECTION 5. At said first meeting, or at some succeeding meeting called for such purpose prior to the 15th day of June of each year, the trustees shall make an itemized estimate of the amount of funds needed for building purposes, for payment of teachers' wages, and for payment of contingent expenses, and they shall present to the Board of County Commissioners a certified estimate of the rate of tax required to raise the amount desired for such purposes. But in no case shall the tax for teachers' wages and contingent expenses exceed in any one year eight mills on the dollar on the taxable property of the county. All indebtedness created by said board of trustees in excess of eighty per cent of the tax so levied shall be void as against said fund but may be recovered from the individual members voting to create the same.

Trustees to
Make Estimates for
Levy;
Liability.

SECTION 6. Said tax shall be levied and collected in the same manner as other county taxes, and when collected the county treasurer shall pay the same to the treasurer of the county high school in the same manner that school funds are paid to the district treasurers.

How Col-
lected.

SECTION 7. The said treasurer of the high school shall receive from the county treasurer and from other parties all moneys that belong to the funds of said school, and shall pay out the same only by direction of the board of trustees, upon orders duly signed by the president and countersigned by the secretary, stating the purpose for which they were drawn. Both secretary and treasurer shall keep an accurate account of all moneys received and expended for said school, and at the close of each year or oftener if required by the board of trustees, they shall make a

Treasurer of
High School,
Duties of;
Report.

full statement of the financial affairs of the school.

Selecting Site;
Contract for
Building;
May Lease
Building.

SECTION 8. The board of trustees shall proceed as soon as practicable, to select at the place determined by the vote of the county the best site that can be obtained without expense to the county, and the title thereto shall be vested in said county; they shall then proceed to make purchases of material and let such contracts for the erection of necessary school buildings as they may deem proper, but shall not make any purchase or contract in any one year to exceed the amount of cash on hand and eighty per cent of the tax levied for that year. The board of trustees, at their discretion, may lease suitable buildings for the use of the high school until the erection of such new buildings, the rent to be paid out of the fund created by this Act.

Selecting
Teachers.

SECTION 9. The board of trustees shall employ a suitable person who shall take charge of said school and teach the same and shall be known as the principal of such school; and the trustees shall furnish such assistant teachers as they may deem necessary, and shall provide for the salaries thereof; *Provided*, That no member of the board of trustees or the wife, son or daughter of such member shall be employed as principal or teacher in such school.

Rules and
Regulations;
Separate
Schools.

SECTION 10. Tuition shall be free to all pupils residing in the county where the school is located. The board of trustees shall make such general rules and regulations as they deem proper in regard to age and grade of attainments essential to entitle pupils to admission in such school; *Provided*, That no person shall be admitted to such high school who shall not have passed a satisfactory examination in all the work of the district schools of the county in which such high school is situated. If there should be more applicants than can be accommodated at any one time in such high school, each district shall be

entitled to send its equal proportion of pupils according to the number of pupils it may have, as shown by the last report of the county superintendent of public instruction; the board of trustees shall designate such pupils as may attend subject to the proviso above; *Provided, further*, When the board of trustees shall deem the same expedient they may provide separate school facilities and teachers for pupils of colored or mixed blood who are otherwise qualified for admission to such high schools.

SECTION 11. If at any time the school can accommodate more pupils than apply for admission from that county in which the school is situated the vacancy may be filled by applicants from other counties upon the payment of such tuition as the board of trustees may prescribe, but at no time shall such pupils continue in such school to the exclusion of such pupils residing in the county in which such school is located.

Pupils From
Other
Counties.

SECTION 12. The principal of such high school with the approval of the board of trustees, shall make such rules and regulations as he may deem proper in regard to the studies and conduct and government of the pupils in such school; and if the pupils will not conform to nor obey the rules of the school, they may be suspended or expelled therefrom by the principal of said school subject to the approval of the board of trustees, provided, that the principal shall have power to temporarily suspend.

Principal to
Conduct and
Govern
School.

SECTION 13. Those graduating from the normal course in the county high school shall be entitled to a teacher's second grade certificate and shall be admitted to the first year of professional work at the Territorial Normal schools without further examination; and those graduating from the collegiate course shall be entitled to admission to the freshman class of the Territorial University and the Territorial

Graduates
May Enter
Territorial
Colleges.

Agricultural and Mechanical College without further examination.

Annual Report of Trustees, What to Contain.

SECTION 14. The board of trustees shall annually on the first day of July of each year, make a report to the County Commissioners, which report shall specify the number of students attending the high school during the year, their sex, and the number of branches taught, the text books used, the number of teachers employed, the salaries paid and the amounts expended respectively for library, apparatus, building, and for all other purposes; also the amount of funds on hand, the debts unpaid, if any; the amounts due, if any; and all other information deemed important or expedient to report. Such report shall be printed in at least one newspaper of the county if any is published therein, and a copy of the report shall be forwarded to the Territorial Superintendent of Public Instruction.

Board of Trustees; Vacancy, How Filled.

SECTION 15. The County Commissioners shall have power to fill any vacancy that may occur in the board of trustees.

Salary of Secretary and Treasurer.

SECTION 16. The County Commissioners shall allow the secretary and treasurer of the board of trustees a salary not to exceed fifty dollars per annum each; the same to be audited and paid in a like manner as other claims by the said board of trustees. Said trustees shall not be entitled to or receive any other additional remuneration.

SECTION 17. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 18. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICE 2.—DEER CREEK HIGH SCHOOL.

SECTION.

1. Township Board to Call Election, When; For What Purpose.
2. Board of Directors, How Elected.
3. Members.

SECTION.

4. Organization.
5. Duties.
6. Annual Meeting.
7. Laws Governing.
8. Tax Levy.

AN ACT to Provide for the Establishment of a District High School in Deer Creek, Grant County, Oklahoma.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. The township board of Dirigo township on petition of one-third of the qualified electors of Township 27, Range 3 west, Indian Meridian, is hereby authorized to call an election for the purpose of voting upon the issuing of bonds in the sum of \$5,000, to be used in erecting a high school building for said Township 27, Range 3 west, to be located not more than 900 feet from the corner of Second Avenue and Main streets, in Deer Creek, Grant County, Oklahoma; *Provided*, That said election shall be called within thirty days after the petition is presented. And ten days notice of such election has been given by publication in a newspaper of general circulation in Dirigo Township.

Township Board to Call Election, When; For What Purpose.

SECTION 2. When the bonds for the purpose herein named have been voted upon and carried, the township board shall call an election to be held within ten days succeeding the bond election for the purpose of electing a board of directors for said district.

Board of Directors, How Elected.

SECTION 3. The board of directors shall consist of three members, elected by a majority of the votes cast at the election named in the preceding section.

Members.

SECTION 4. The board of directors shall meet within five days after they have been elected and organize by electing a president, secretary, and treasurer.

Organization.

SECTION 5. The duties of the board of directors shall be the same as those prescribed in the law regulating and governing graded schools.

Duties.

Annual
Meeting.

SECTION 6. After the first meeting the annual school meeting of the district shall be held the second Wednesday in June, of each year.

Laws
Governing.

SECTION 7. The law regulating and governing all other public schools of the Territory of this class, shall regulate and govern this school, excepting the provisions made in this Act.

Tax Levy.

SECTION 8. For the maintenance of this school herein provided for, there shall be levied each year a tax not to exceed one per cent of all the taxable property in the district described, and shall be paid over to the district treasurer in the same manner as other school taxes are paid to the various district treasurers.

SECTION 9. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 10. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 3.—LEGALIZING ACTION OF SCHOOL BOARD IN GRANT COUNTY.

SECTION.

1. Legalizing Action of School Board; Locating Site.

AN ACT Entitled An Act to Legalize the Action of the School Board of School District Number Fifty, in Grant County, in Establishing and Maintaining a Public School at a Place Other Than the Regular Elected Site.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Legalizing
Action of
School Board,
Locating Site.

SECTION 1. That the action of the school board in establishing and maintaining a public school on the northeast corner of the northeast quarter of Section Nineteen (19) in school district Number Fifty (50) in Grant County is hereby legalized.

SECTION 2. This Act shall take effect and be in force from and after its passage and approval.

Approved this 20th day of February, 1901.

ARTICLE 4.—LEGALIZING SCHOOL DISTRICT WARRANTS.**SECTION.**

1. Legalizing Warrants Issued by
School Board, Oklahoma
County.

AN ACT Legalizing the Warrants Issued by School District Number Eighty-three, Oklahoma County.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That all school district warrants heretofore issued, by the school board of the de facto school district situated at Waterloo, and numbered District Eighty-three, in Oklahoma County, Oklahoma Territory, upon which payment is refused only upon the ground that the Act of the Legislative Assembly of the Territory of Oklahoma, creating said school district was invalid, are hereby declared to be legal and valid warrants and the treasurers of the counties wherein said district is located are hereby directed to pay said warrants out of any funds which have come into their hands as taxes for common school purposes from within the Territorial limits of said school district.

SECTION 2. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

Legalizing
Warrants
Issued by
School Board,
Oklahoma
County.

ARTICLE 5.—NORTHWESTERN NORMAL.

SECTION.

1. Certificates of Indebtedness
Legalized.

SECTION.

2. Levy Authorized; How Applied.

AN ACT to Provide for the Payment for the Northwestern Normal School Building Located at Alva, Oklahoma Territory.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Certificates of
Indebtedness
Legalized.

SECTION 1. That the certificates of indebtedness issued by the Board of Education of the Normal Schools of Oklahoma Territory to John Volk and Company in liquidation of the Northwestern Normal School building, located at Alva, Oklahoma Territory, pursuant to contract entered into between the Board of Education for the Normal schools of Oklahoma Territory and John Volk and Company, on the 10th day of March, A. D. 1898, together with three certificates for \$205.00, \$185.00 and \$231.00, issued by said Board of Education to Joseph Foucart, supervising architect of said building, are hereby recognized and declared to be a valid and subsisting claim against the Territory of Oklahoma, in the sum of \$87,542.77, with interest on \$16,139.72, from July 1, 1898, at the rate of six per cent; with interest on \$32,804.29, at the rate of six per cent from October 1, 1898; with interest on \$25,387.35, at the rate of six per cent, from January 5, 1899; with interest on \$12,590.41, at the rate of six per cent from April 5, 1899; with interest on \$205.00 at the rate of six per cent from the 1st day of October, 1898; with interest on \$185.00 from the 1st day of November, 1898, at the rate of six per cent; and with interest on \$231.00 from the 1st day of December, 1898, at the rate of six per cent.

Levy Author-
ized; How
Applied.

SECTION 2. That a levy of one-fourth of a mill per annum for each year is hereby authorized and di-

rected to be made and collected in the same manner as other Territorial taxes are levied and collected, the proceeds of which shall be applied to the payment of the claims recognized and set forth in Section 1 of this Act, until the whole sum therein provided for is paid.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 6.—PREPARATORY UNIVERSITY AT TONKAWA.

SECTION.

1. Preparatory University Established at Tonkawa.
2. Purpose of.
3. Board of Regents, How Appointed; Powers of.
4. To Construct Buildings; Citizens to Furnish Site.

SECTION.

5. Board to Prepare Plans and Specifications.
6. To Be Completed, When.
7. Tax Levy for, Use of; Warrants, How Drawn.

AN ACT Providing for the Location, Erection, Management and Control of a University Preparatory School.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. There is hereby created and established a university preparatory school for the Territory of Oklahoma which shall be located within one mile from the corporate limits of the town of Tonkawa, in Kay County, in the Territory of Oklahoma, to be known as the university preparatory school.

Preparatory
University
Established
at Tonkawa.

SECTION 2. The purpose of such school shall be to provide instruction for the students of Oklahoma, which will prepare said students for a university course of study.

Purpose of.

SECTION 3. The building, organization and management of said university preparatory school shall be under the control of a Board of Regents, consisting of three members, two of whom shall be ap-

Board of
Regents, How
Appointed;
Powers of.

pointed by the Governor of the Territory, by and with the advice and consent of the council, and the Governor shall be an ex-officio member of such board. The Regents so appointed shall hold their offices for two years and until their successors shall be appointed and the Board of Regents are hereby authorized and empowered to transact all business for said university preparatory school, and manage and control the same, prescribe the course of study and employ and discharge the faculty.

To Construct
Buildings;
Citizens to
Furnish Site.

SECTION 4. The said Board of Regents are hereby authorized and empowered to construct and maintain said university preparatory school building; *Provided*, That the incorporated town of Tonkawa shall secure and convey to the Territory of Oklahoma, by good and sufficient deed of conveyance, twenty acres of land suitable for the use and benefit of said school, said title to be in fee simple and clear of all incumbrances whatsoever, and without cost to the Territory of Oklahoma, to be used exclusively for said university preparatory school purposes.

Board to Pre-
pare Plans and
Specifications.

SECTION 5. The said Board of Regents shall prepare plans and specifications, to be submitted for bids, and the building shall cost not less than \$10,000.00 nor more than \$15,000.00; *Provided*, That said amount shall complete and furnish said building without any further expense to Oklahoma Territory.

To Be Com-
pleted, When.

SECTION 6. That said university preparatory school shall be built and furnished not later than eighteen months from and after the date and passage of this Act, and shall be paid by said warrants drawn on the funds hereinafter provided.

Tax Levy for,
Use of;
Warrants,
How Drawn.

SECTION 7. For the purpose of paying for the buildings provided for herein, there is hereby levied upon all the taxable property of the Territory of Oklahoma a tax of one-fifth mill on the dollar each year for two years, the same to be levied upon the prop-

erty of the Territory of Oklahoma for the years 1901 and 1902. The funds derived from such taxes shall be known as the "University Preparatory School Fund" and shall be available and used by the said board only for the construction of said buildings, purchasing the necessary furniture to properly furnish the same and for the payment of the current expenses and teachers' salaries of said university preparatory school for the year of 1902. All payments under the terms of this Act shall be paid by warrants drawn on the university preparatory school building fund, by the auditor of said Territory, upon vouchers to be approved by the Board of Regents of said preparatory school filed with him, and shall be drawn on the Treasurer of the Territory, who is hereby made ex-officio treasurer of said board.

SECTION 8. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 7.—REFUNDING MONEY TO CERTAIN SCHOOL DISTRICTS.

AN ACT Providing for the Refunding of Certain Moneys to School Districts Wherein Indemnity School Lands Are Located.

SECTION.

1. Territorial Treasurer to Refund Rental Indemnity Lands, When.

SECTION.

2. County Superintendent; Duties of.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That of all moneys received from indemnity lands after the first day of July, 1901, it shall be the duty of the Territorial Treasurer to refund to the district wherein such indemnity land is located fifteen per cent of the rental so received, said money to be paid to the said school district through

Territorial
Treasurer to
Refund
Rental, In-
demnity
Lands, When

the county treasurer of the county in which such lands may be located, on or before the first day of July of each year.

County Super-
intendent,
Duties of.

SECTION 2. It shall be the duty of the county superintendent of each county in Oklahoma Territory wherein indemnity lands are located, to furnish the Territorial School Land Office and the Territorial Treasurer with a map of said county showing the boundaries of each school district organized in such county, composed in whole or in part of indemnity school lands.

SECTION 3. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 8.—SCHOOL DISTRICT TREASURERS.

SECTION.

1. School District Treasurer, Bond of; Suit on Bond, When.
2. Duties of.
3. County Treasurers, Duties of.
4. Warrants, How Paid.
5. Warrants, to Be Registered.
6. Warrants, Paid in Order of Registration; List of, to Be Published, When.

SECTION.

7. Treasurer, Annual Report of; County Superintendent, Duties of.
8. Books and Records, Open to Inspection.
9. Treasurer Refusing to Pay Over, Penalty.

AN ACT to Fix and Prescribe Certain Duties of the School District Treasurer and for Other Purposes.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

School District
Treasurer,
Bond of;
Suit on Bond,
When.

SECTION 1. The treasurer of the school district shall execute to the district a bond in double the amount, as near as it can be ascertained, to come into his hands as treasurer during each year, with sufficient sureties to be approved by the county superintendent of public schools, conditioned that he will faithfully discharge and perform all the duties of his office; and such bond shall be taken in the name of the district. Such bond shall be justified by the af-

fidavit of the principal and sureties as required by law in other cases; and the director of the district and the county superintendent of public instruction are hereby authorized to administer the oaths for the justification of the treasurer and his sureties. Said bond shall be filed with the county superintendent of public instruction, and in case of the breach of any condition thereof, the county superintendent, or the director or clerk of the district shall cause a suit to be commenced thereon in the name of the district; and the money collected in such suit shall be applied by the board to the use of the district as the same should have been applied by the treasurer. If the county superintendent, clerk and director shall fail and refuse to prosecute said treasurer, then any taxpayer of the district may cause such prosecution to be instituted as provided in this Act.

SECTION 2. The treasurer of such district shall pay Duties of. out on the order of the clerk of the district, attested by the seal thereof, and countersigned by the director of such district, all public moneys which shall come into his hands for the use of the district.

SECTION 3. The county treasurer shall pay to each district treasurer from time to time all school moneys County Treasurer, Duties of. in the county treasury belonging to the district, upon the order of the clerk and director of the district; *Provided*, That said order shall be accompanied by a certificate from the county superintendent, stating that said treasurer has executed and filed his bond as required by law; but such order and certificate shall not be necessary except the first time money is desired to be paid to him by the county treasurer after his qualification.

SECTION 4. Said district treasurer shall pay on presentation any warrant or other order properly drawn on any fund in his custody by virtue of his office; and when paid he shall write across the face of said Warrants, How Paid.

warrant or order in red ink the word "Paid," the date when paid, the amount of principal and interest, if any, paid, and shall sign the same officially; *Provided*, That there is sufficient money in his hands belonging to the fund upon which said warrant or order is drawn to pay the same.

Warrants, to
Be Registered.

SECTION 5. In case there is not sufficient money in the hands of any such treasurer belonging to the particular fund drawn upon to pay any warrant or order when presented for payment it shall be the duty of such treasurer to make a certificate of that fact upon the back of any such warrant or order, and to date, sign, and number the same in regular order; and he shall set down and enter in a book to be kept for that purpose, the registry number, amount, date and upon what fund drawn, to whom payable, and the date when presented for payment, as provided in Section 4 of this Act; and all such warrants or orders shall be paid in their order of presentation for payment and of their registration as shown by said book; and said books shall be known in each such offices as the "Warrant Register." And all warrants after registration shall draw interest at the rate of six per centum per annum from the date of such registration until fully paid; and such registration books shall be open to the inspection of any person interested at all reasonable times.

Warrants,
Paid in Order
of Registration;
List of, to
Be Published,
When.

SECTION 6. Whenever any money shall come into his hands by virtue of his office, it shall be the duty of such district treasurer to set apart a sufficient sum from the several funds to which said money belongs to pay all warrants or orders that may have been registered against said several funds in compliance with the provisions of this Act; or so much, of said money as shall be necessary for such purpose. And if such money in any fund is not sufficient to pay all the warrants and orders registered against

said fund, he shall set apart said money for the payment of the warrants registered against the fund to which said money may belong until said money is exhausted; and he shall keep the money so set apart until it is called for by the person to whom it is payable; and it shall be the duty of said treasurer to post up in three public places in his district between the 15th and the last days of February and August in each year a list of the warrants or orders unpaid, and for the payment of which he has sufficient funds in his hands, and one of which lists shall be posted on the door of the school house of his district; and from and after thirty days after such posting, interest shall cease upon the warrants which he has so posted as being payable.

SECTION 7. The treasurer shall keep a book in which he shall keep and enter an account of all moneys received and disbursed by him, specifying particularly the sources from which money has been received and the person or persons to whom and the objects for which the same was paid out. He shall present to the district at each annual meeting a report in writing containing a statement of all moneys received by him from the county treasurer during the year; also all moneys collected by him during the year from assessments in his district, and of the disbursements made by him, with the item of such disbursements and shall exhibit the vouchers therefor; and the same shall be examined at such annual meeting of the district and if found correct shall be approved. Said report shall be in writing and shall be by the district clerk recorded at length; and within ten days after such annual meeting said district treasurer shall present a copy of said report to the county superintendent of public instruction of his county, together with all the vouchers for disbursements by him made, and said county superintendent

Treasurer,
Annual Re-
port of:
County
Superintendent,
Duties of.

shall examine the report and vouchers and if he finds the same correct, he shall approve it; but if not found correct, he shall take such steps as the law and the facts may require; and at the close of his term of office the said treasurer shall settle with the county superintendent and shall turn over to his successor all the books vouchers, orders, warrants and papers coming into his hands as the treasurer of such school district, together with all moneys remaining in his hands as such treasurer.

Books and
Records,
Open for In-
spection.

SECTION 8. The books, records, papers, vouchers and other archives of the school district treasurer's office shall be open at all times to the inspection and examination of the county superintendent, the district clerk and director, and to all persons holding obligations against said district.

Treasurer
Refusing to
Pay Over,
Penalty.

SECTION 9. If any district treasurer shall refuse to pay over to his successor any money in his hands belonging to the district, it shall be the duty of his successor in office to prosecute without delay the official bond of said treasurer for the recovery of such money. And in case such successor shall fail or neglect to proceed, any taxpayer of the district may prosecute such suit in the name of the district. Any treasurer who shall wilfully fail, refuse or neglect to pay over any money in his hands belonging to the district shall be deemed guilty of embezzlement, and upon conviction thereof, shall be punished in the manner prescribed for the felonious stealing of property of the value of that embezzled.

SECTION 10. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 11. This Act shall take effect and be in force from and after its passage and approval.

Approved this 4th day of March, 1901.

ARTICLE 9.—SEPARATE SCHOOLS.

SECTION.

1. Separate Schools Established; Tax Levy for Maintenance.
2. No Separate Schools, When.
3. Children Transferred to Adjoining District, When; County Superintendent, Duties of.
4. County Superintendent, Report to Commissioners.
5. County Commissioners, Duties of; Advertisement for Bids, Letting Contract.
6. Furniture and Equipments.

SECTION.

7. School Funds.
8. School Board to Employ Teachers.
9. Teachers, How Paid; School Buildings and Sites; Repairs, How Made.
10. Districts Boards to Settle With County Commissioners, When; Failure to Make Settlement, Penalty.
11. District Clerk, County Clerk and County Treasurer to Keep Records.

AN ACT Providing for the Establishment and Maintenance of Separate Schools for White and Colored Children and for Other Purposes.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. In all counties separate schools for white and colored children are hereby established and such schools shall be permanently maintained and the Board of County Commissioners shall annually levy a tax on all taxable property in their respective counties, sufficient to maintain said separate schools as hereinafter provided; said taxes shall be estimated, published, levied and collected in the same manner as other taxes for county purposes and in school districts where such separate schools are maintained no white child shall attend a colored school or colored child attend a white school.

Separate
Schools
Established;
Tax Levy for
Maintenance.

SECTION 2. That in any school district in such county, having both white and colored children of school age, where the number of such children, either white or colored, does not exceed ten, and they can be transferred to schools of their own color in adjoining districts, as hereinafter provided, no separate schools shall be maintained.

No Separate
Schools,
When.

SECTION 3. When either the white or colored children of school age in any such school district, having both white and colored children of school age, do not exceed ten in number, the county super-

Children
Transferred to
Adjoining
District,
When;
County Su-
perintendent,
Duties of.

intendent of schools of such county, shall transfer the white or colored children that are the fewer in number, to the nearest school of their own color in some adjoining district, when the same can be done with the consent of their parents, guardians or custodians; or without such consent, when any such children can be so transferred without compelling them to travel more than two and one-half miles to attend such school. And when any child is so transferred to another school under the provisions of this Act, the county superintendent shall apportion its per capita of all school revenue, except local school district tax and county separate school fund, to the school district to which it is transferred, and such children shall have all the rights and privileges in the school to which it is transferred, that are enjoyed by children resident in such district.

County Superintendent,
Report to
County Commissioners.

SECTION 4. That immediately after the passage and approval of this Act, the county superintendent of schools of each county shall ascertain what districts of his county have separate schools for white and colored children, the number of such children of each color in each district; and further ascertain the districts, if any, maintaining separate schools that have not erected school houses for both white and colored children, and report the same to the Board of County Commissioners of his county, and in like manner report such facts, when any other district in his county may desire to establish such separate schools.

County Commissioners,
Duties of:
Advertisement for Bids,
Letting
Contract.

SECTION 5. If upon the receipt of such report the Board of County Commissioners of such county find from such report, or any other legal evidence that they may desire to consider, that any of such districts so maintaining, or that are entitled under this Act or existing law, to maintain separate schools for white and colored children have not furnished or

acquired a school building for that class of children, either white or colored, that are the fewer in numbers in said district, and that such children cannot be transferred to adjoining districts as provided herein, then such Board of County Commissioners shall cause the county superintendent of schools of such county to file with them a statement in writing, with the specifications of the kind of school house needed by the class of children that are fewer in number in said districts; and when such Board of County Commissioners have settled the plans and specifications for such building, suitable in their judgment for such purpose, they shall advertise for bids for the construction of such building by notice posted in such district and published at least four consecutive weeks in a newspaper published in such county, if any be published therein, and if no newspaper be published in such county, then by posting public notices in said school district, and at five other public places in said county; and such contract shall be let to the lowest responsible bidder in the same manner as other contracts are let, and the Board of County Commissioners shall take proper bonds for the performance thereof. Such building when completed and accepted by such Board of County Commissioners shall be paid for by them by warrants drawn by them on the separate school fund of such county.

SECTION 6. The school districts shall furnish all schools with the same kind of furniture and equipments and give equal school facilities to both white and colored children at the expense of such school district, except as otherwise provided in this Act.

Furniture and
Equipments.

SECTION 7. That all school funds except the county separate school fund apportioned to such district shall be carried to the regular account of such district.

School Funds.

School Board
to Employ
Teachers.

SECTION 8. The school board of such district shall employ all teachers, furnish equal school terms for all schools in their district with teachers with equal qualifications as far as practicable; but no white person shall teach a colored school, or colored person teach a white school.

Teachers,
How Paid;
School Build-
ings and Sites;
Repairs, How
Made.

SECTION 9. The teachers of the schools for that class of children, either white or colored, that are the fewer in numbers in any district, having separate schools, shall be paid out of the county separate school fund; and for such purpose the school district board shall draw their warrant on the county clerk of their county in favor of the teachers of such separate schools in such districts and the county clerk shall draw his warrant on the county treasurer for such amount, which shall be paid out of the separate school fund of such county in the order of its registration and presentation; *Provided*, However, That the county clerk shall not draw on said separate school fund for any greater amount for teachers employed for any district than is paid the like number of teachers for the like time by the school district for teaching in the other schools of said district. *Provided*, That no contract shall be let or allowance be made for building such house in any sum in excess of the moneys or bonds of such district expended for the building of a school house in such districts for the children of the other class; *And, Provided, further*, That such school house so built by the county may be built in any part of said district which in the judgment of the Board of County Commisisoners will be most convenient to the greatest number of children for whom it is intended; and for such purpose, such Board of County Commissioners may receive title to a proper school site, by gift, purchase, or proceedings to condemn the same in the same manner and with like effect as when such actions are brought by school districts.

Such county shall not be at any other or further expense on account of such building; but the school district, at its own expense shall keep such house in repair and rebuild the same if destroyed. The county shall be at no expense on account of school houses, or repairing, where districts at the passage of this Act have school house or houses for that class of children, white or colored, that are the fewer in numbers in such district.

SECTION 10. That at the regular April meeting, each year, of the Board of County Commissioners, the school district boards of all school districts maintaining separate schools for white and colored children shall make a settlement with the Board of County Commissioners of their counties, which settlement shall show the amount of money drawn for them out of such separate school fund and such other facts as the Board of County Commissioners may desire to know, and file therewith a statement of their needs for the ensuing year; and any school board that fails to make such settlement before the time to estimate the levy for annual taxes, shall be required to pay their own expenses, of all kinds, for separate schools for the next ensuing year.

SECTION 11. The school district clerk, county clerk and county treasurer shall keep proper and full records showing the condition of such separate school fund, and each of such officers shall preserve all vouchers, warrants and other orders pertaining to such fund and belonging to their respective offices.

SECTION 12. That Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, of Article 1, Chapter 34, Session Laws of Oklahoma of 1897, and all Acts and parts of Acts in conflict with this Act, are hereby repealed.

SECTION 13. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 10.—SOUTHWESTERN NORMAL.

SECTION.

1. Authorizing Establishment of Southwestern Normal.
2. Purpose of.
3. Committee to Select Site, How Appointed, Duties of, Compensation.
4. Town, Near Where Located; to Purchase Site.
5. School District May Issue Bonds; Proceeds, How Expended.

SECTION.

6. Board of Education, to Let Contract.
7. May Contract for Material, Furniture, etc.
8. Shall Adopt Plans and Specifications; Advertise for Bids; Bond of Bidder.
9. Superintendent of Construction, Duties of.
10. Payments, How Made.
11. Tax Levy, How Expended.

AN ACT to Establish and Locate a Normal School in Southwestern Oklahoma Territory and to Provide for the Selection of a Site, the Construction of Building, and for the Maintenance of Said School.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Authorizing
Establishment
of Southwest-
ern Normal.

SECTION 1. That a normal school for the Territory of Oklahoma is hereby authorized to be established in the southwestern portion of Oklahoma Territory, to be known as the "Southwestern Normal School," and to be located and established as hereinafter provided.

Purpose of.

SECTION 2. The purpose of said school when so located as hereinafter provided, shall be the same as the normal schools of the Territory of Oklahoma, located at Edmond and Alva in said Territory.

Committee to
Select Site,
How Ap-
pointed,
Duties of,
Compensa-
tion.

SECTION 3. A committee, consisting of five men, to be appointed by the Governor of the Territory, is hereby constituted and appointed, as a committee whose duty it is hereby made, and which is hereby authorized and empowered to select a site for the establishment of said normal school as provided for in this Act, and within ninety days after the passage and approval of this Act, it shall be the duty of the Governor of said Territory to appoint said committee and the said committee when so appointed shall, between the tenth day of August, 1901, and the twentieth day of September in said year, visit said southwestern portion of Oklahoma Territory and se-

lect a site for the establishment of said Southwestern Normal. Such site to be selected within one mile of the corporate limits of an incorporated town, and to contain not less than forty acres of land; *Provided*, That said committee shall be paid, for such services, the same per diem and mileage as the Board of Education for the Territory is paid and in like manner.

SECTION 4. Within thirty days after the selection of a site for said normal school, the town within one mile of which said site is or may be selected shall procure to be executed to the Territory of Oklahoma good and sufficient deeds of conveyance to the land embraced in such site, in fee simple, free and clear of all incumbrances whatsoever, without cost to the Territory of Oklahoma to be used exclusively for the said normal school purposes, which deed or deeds shall be filed and deposited in the office of the Secretary of the Territory.

Town, Near
Where Lo-
cated; to
Purchase Site.

SECTION 5. The school district in which such site may be selected is hereby authorized and empowered to issue bonds in the sum of Five Thousand Dollars, due and payable in twenty years from the date thereof bearing interest at the rate of six per cent per annum, for which interest coupons shall be attached to said bonds, payable annually; and when so executed, the board of directors of said school district shall deliver said bonds to the Territorial Treasurer, and he shall sell the same at not less than the face value thereof; *Provided*, However, That the proceeds arising from the sale of said bonds shall be expended under the direction of the Board of Education, hereinafter provided for, in fencing, planting trees on, and in beautifying said school grounds. The bonds herein authorized shall be issued in the manner provided for the issuing of bonds in Article 2, Chapter 7, of the Session Laws of Oklahoma Territory, 1895.

School District
May Issue
Bonds; Pro-
ceeds, How
Expended.

Board of Education, to Let Contract.

SECTION 6. The Board of Education of the Territory of Oklahoma provided for in Section 3, Article 1, Chapter 53, of Oklahoma Statutes of 1893, is hereby constituted and appointed as a board with the authority and power to receive bids, to let contracts for, and to supervise the construction of buildings authorized by this Act, and the management and control of said Southwestern Normal School shall be under the direction of said Board of Education, under the provisions of an Act of the Legislative Assembly of the Territory of Oklahoma, entitled, "An Act to Locate and Establish the Normal School for the Territory of Oklahoma," which took effect December 25, 1890.

May Contract for Material, Furniture, etc.

SECTION 7. The said Board of Education is hereby authorized to contract, under the terms of this Act, for material, construction of all necessary buildings and for the purchase of furniture, machinery and apparatus to equip said building for the purpose of said normal school; *Provided*, That such board shall not have the power to contract for buildings or for any other purposes to an amount exceeding in the aggregate Fifty-two Thousand (\$52,000.00) Dollars.

Shall Adopt Plans and Specifications; Advertise for Bids; Bond of Bidder.

SECTION 8. The said Board of Education, within ninety days after the selection of such site for the said location of said normal school buildings, and upon approval and acceptance by the Board of Education hereinafter provided for, of the deeds of conveyance and donations herein provided for, shall adopt plans and specifications for such buildings, and upon the adoption of such plans and specifications for such buildings, shall advertise for bids for the construction of the same, and shall then let the contract for the construction of such buildings; *Provided*, That no contract so made shall be of any force or effect until the person or persons entering into the same shall have

given an obligation payable to the Territory of Oklahoma in, at least, double the amount to be paid thereunder with good and sufficient sureties to be approved by the said board, for the faithful performance of his or their contract by said contractor or contractors, and full payment for all labor and materials furnished in said buildings.

SECTION 9. The said board is hereby authorized to employ a superintendent of construction of such buildings, at a salary of not more than One Hundred Dollars (\$100.00) per month, who shall have personal charge and supervision of the contractors of the work under the direction of the said board, and whose duty it shall be to see that said contractor performs his work in full compliance with the plans and specifications adopted by the said board, and shall have power to discharge any such superintendent and employ a successor thereto. The said superintendent shall be paid by warrants drawn on the fund herein provided.

Superintendent of Construction
Duties of.

SECTION 10. No payment shall be made or warrants drawn in favor of any contractor for or on account of any work done under any contract let under or by virtue of this Act, except upon the certificate of the superintendent of construction, and upon vouchers filed with and approved by the said board for all payment made under and in pursuance of this Act.

Payments,
How Made.

SECTION 11. For the purpose of paying for the buildings provided for herein, there is hereby levied upon all the taxable property of the Territory of Oklahoma, a tax of four-tenths of a mill on the dollar, each year for two years, the same to be levied upon all taxable property of the said Territory for the years 1901 and 1902. The fund derived from such taxes shall be known as the "Southwestern Normal Building Fund," and shall be available and used by the said board only for the purpose of construc-

Tax Levy,
How Expended.

tion of said buildings and purchasing the necessary furniture, and for the payment of the current expenses and teachers' salaries of said normal school for the year 1902. All payments under the terms of this Act shall be by warrants drawn upon the said "Southwestern Normal Building Fund." The buildings for said normal school shall be completed and ready for occupancy by the first day of September, 1902.

SECTION 12. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 11.—TERRITORIAL BOARD OF EDUCATION.

SECTION.

1. May Accept Grades of Colleges, Other Than Territorial Institutions.

AN ACT Conferring Certain Powers on the Territorial Board of Education.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

May Accept
Grades of
Colleges,
Other Than
Territorial
Institutions.

SECTION 1. That upon the application of any college, university, or educational institution of like standing, incorporated under the general laws of the Territory of Oklahoma, the Territorial Board of Education shall have power to examine the courses of study prescribed and the character of the work done and if in the judgment of said board, it shall prove to have as efficient a course of study as those of the Territorial normal schools, the said Board of Education shall have power to accept grades given on academic subjects completed in course and passed in regular examinations to persons who are graduates of or who may hereafter be graduated from such institutions, in lieu of the examinations on the same subject required for Territorial certificate which said

board is empowered to give by Section One (1), Article Ten (10), Chapter Seventy-three (73), Statutes of Oklahoma, 1893.

SECTION 2. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

CHAPTER XXIX.

TOWNSHIPS AND TOWNSHIP OFFICERS.

SECTION.

1. Township Treasurer's Bond.
2. Public Moneys, How Paid Out.
3. County Treasurer, Duties of
4. Warrants, How Cancelled.
5. Registration of.
6. Paid in Order of Registration, List of, Published.

SECTION.

7. Township Treasurers, Annual Report; County Commissioners to Examine and Approve Report.
8. Records to be Open for Inspection.
9. Township Treasurer, Refusal to Pay Over Penalty.

AN ACT to Fix and Prescribe Certain Duties of the Township Treasurer and for Other Purposes.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. The township treasurer shall execute to the township a bond in double the amount as near as it can be ascertained, to come into his hands as treasurer during each year, with sufficient sureties to be approved by the County Commissioners of the county of which his township is a part, conditioned that he will faithfully discharge and perform all the duties of his office; and such bond shall be taken in the name of his township. Said bond shall be filed with the county clerk, and in case of the breach of any condition thereof, the township trustee or the township clerk shall cause a suit to be commenced thereon in the name of the township, and the money collected in such suit shall be applied to the use of such township as the same should have been applied by the treasurer; and in case such trustee and clerk shall

Township
Treasurer's
Bond.

both refuse to prosecute such suit, any taxpayer of the township may cause such prosecution to be instituted as provided for in this Act.

Public
Moneys, How
Paid Out.

SECTION 2. The treasurer of such township shall pay out on the order of the township board, attested by the seal of said township, under the signatures of the township trustee and township clerk, all public moneys which shall come into his hands for the use of the township.

County Treas-
urer, Duties of.

SECTION 3. The county treasurer shall pay to such township treasurer from time to time all moneys in the county treasury belonging to such township, upon the order of the clerk of said township; *Provided* That such order shall be accompanied by a certificate from the county clerk that said township treasurer has executed and filed his bond as required by law.

Warrants,
How Can-
celled.

SECTION 4. Said township treasurer shall pay on presentation any warrant or order properly drawn on any fund in his custody by virtue of his office, and when paid he shall write across the face of said warrant or order in red ink the word "Paid", the date when paid and the amount of principal and interest paid, and shall sign the same officially; *Provided*, That he shall not pay any warrant or order unless there is sufficient money in his hands belonging to the particular fund upon which said warrant or order is drawn to pay the same.

Registration
of.

SECTION 5. In case there is not sufficient money in the hands of any such treasurer belonging to the particular fund drawn upon to pay any warrant or order when presented for payment, it shall be the duty of such treasurer to make a certificate of that fact upon the back of any such warrant or order, and to date, sign and number the same in regular order; and he shall set down and enter in a book to be kept for that purpose, the registry number, amount, date, and upon what fund drawn, to whom payable,

and the date when presented for payment, as provided in Section 4 of this Act; and all such warrants or orders shall be paid in their order of presentation for payment and of their registration as shown by said book; and such books shall be known in each such office as the "Warrant Register." And all warrants after registration shall draw interest at the rate of six per centum per annum from the date of such registration until fully paid; and such registration books shall be open to the inspection of any person interested at all reasonable times.

SECTION 6. Whenever any money shall come into his hands by virtue of his office, it shall be the duty of such township treasurer to set apart a sufficient sum from the several funds to which said money belongs to pay all warrants or orders that may have been registered against said several funds in compliance with the provisions of this Act, or so much of such money as shall be necessary for such purpose; and if such money in any fund is not sufficient to pay all the warrants registered against said fund, he shall set apart said money for the payment of the warrants registered against the fund to which said money may belong until said money is exhausted; and he shall keep the money so set apart until it is called for by the person to whom it is payable; and it shall be the duty of such treasurer to publish in some newspaper published in his county, between the first and fifteenth days of February and August in each year a list of warrants or orders unpaid, and for the payment of which he has sufficient funds in his hands; and if there be no newspaper published in his county such list shall be posted on the court house door of his county at the times aforesaid; and from and after 30 days after such posting or publishing interest shall cease upon the warrants which he has posted or published as being payable.

Paid in Order
of Registration,
List of,
Published.

Township
Treasurers,
Annual Re-
port. County
Commission-
ers to Ex-
amine and
Approve Re-
port.

SECTION 7. The treasurer shall keep a book in which he shall keep and enter an account of all moneys received and disbursed by him, specifying particularly the sources from which said money has been received and the object for which the same has been paid out, and the person or persons to whom the same has been paid. He shall present to the township board at its annual meeting a report in writing containing a statement of all moneys received by him from the county treasurer during the year; also all moneys collected or received by him from assessments in his township, and of all disbursements made by him, with the items of such disbursements, and shall exhibit the vouchers therefor, and the same shall be examined and approved by said board, if the same shall be found correct. Said report shall be in writing and shall be by the township clerk recorded at length; and at the regular January meeting of the Board of County Commissioners said township treasurer shall present a copy of said report to said board, together with the vouchers for disbursements by him made, and the said County Commissioners shall examine said report and vouchers and if found correct shall approve the same; and at the close of his term of office the said treasurer shall settle with the township board and shall turn over to his successor all books, vouchers, orders, warrants, and papers coming into his hands as the treasurer of such township, together with all moneys remaining in his hands as such treasurer.

Records to be
Open for
Inspection.

SECTION 8. The books, records, papers, vouchers, and other archives of the township treasurer's office shall be open at all times to the inspection and examination of the County Commissioners, the township trustee and township clerk, and to all persons holding obligations against said township.

SECTION 9. If any township treasurer shall refuse to pay over to his successor any money in his hands belonging to the township, it shall be the duty of his successor in office to prosecute without delay the official bond of said treasurer for the recovery of such money. And in case such successor shall fail or neglect to proceed, any resident taxpayer of the township may prosecute such suit in the name of the township. Any township treasurer who shall wilfully fail, refuse or neglect to pay over any money in his hands belonging to his township shall be deemed guilty of embezzlement and, upon conviction therefor, shall be punished in the manner prescribed for the felonious stealing of property of the value of that embezzled.

Township
Treasurer, Re-
fusal to Pay
Over,
Penalty.

SECTION 10. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 11. This Act shall take effect and be in force from and after April 1, 1901.

Approved this 4th day of March, 1901.

CHAPTER XXX.

TRANSFER OF TERRITORIAL FUNDS.

SECTION

1. Territorial Treasurer, to Transfer Certain Funds.

SECTION.

2. Future Funds, How Apportioned.

AN ACT Providing for the Transfer of Certain Funds in the Territorial Treasury.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Territorial
Treasurer,
to Transfer
Certain
Funds.

SECTION 1. That the Territorial Treasurer is hereby authorized and directed to transfer to the general fund of the Territory all funds now held by him in the Bank Commisisoners' fee fund, insurance license and fee fund, conscience money fund, interest on daily balance fund.

Future Funds,
How Appor-
tioned.

SECTION 2. All moneys coming into the hands of the Territorial Treasurer in the future properly belonging to any of the above mentioned funds, shall be by him put directly into the general fund of the Territory and used in redeeming general fund war-rants.

SECTION 3. All laws in conflict with the provisions of this Act are hereby repealed in so far as they so conflict.

SECTION 4. This Act shall take effect and be in force from and after its passage and approval.

Approved this 6th day of March, 1901.

CHAPTER XXXI.

UNIVERSITIES.

ARTICLE.

1. Colored Agricultural and Normal University.

ARTICLE.

- 2 University of Oklahoma.
3. Agricultural and Mechanical College.

ARTICLE 1.—COLORED AGRICULTURAL AND NORMAL UNIVERSITY.

SECTION.

1. Board of Regents, May Contract for Additional Buildings, Limit.
2. Board to Adopt Plans and Specifications, Advertise for Bids; Bond of Bidder.

SECTION.

3. Superintendent of Construction, Duties of, Compensation.
4. Payments, How Made.
5. Tax Levy.
6. Funds Arising From Levy, How Paid Out.

AN ACT to Authorize the Construction of Additional Buildings for the Colored Agricultural and Normal University at Langston.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. The Board of Regents of the colored agricultural and normal university at Langston is hereby authorized to contract under the terms of this Act for the construction of an assembly hall and three additional class rooms, the same to be an addition to the assembly building already constructed, and a sum not exceeding thirty-five per centum of the amount realized from the tax levy hereinafter provided for, shall be expended for such purposes; a sum not exceeding twenty-five per centum of the amount realized from such levy shall be expended in constructing a dormitory for boys; and a sum not exceeding five per centum of the amount realized from such levy shall be expended in the construction of a residence for the president of said university at some suitable place on the grounds belonging to said university, and the remaining thirty-five per centum of the sum realized from said levy shall be expended in paying off deficiencies unpaid on June 30, 1901, and in payment of salaries for instructors, incidental expenses and the purchase of neces-

Board of Regents May Contract for Additional Buildings, Limit.

sary stock for the equipment of said university, and in constructing a necessary system of water-works therefor. The sums provided for the construction of the buildings mentioned shall also cover the installation of heating and lighting systems and of necessary furniture therefor. And any sum not used for the above mentioned purposes shall be and they are hereby appropriated for such purposes as the Board of Regents of said university shall determine; *Provided*, That such board shall not have power to contract for buildings or other things authorized by this Act to an amount exceeding in the aggregate the amount to be levied based upon the last assessment of the taxable property of said Territory for county and Territorial purposes, which shall precede the making of such contracts. *And, Provided further*, That the total sum expended for the buildings and all other purposes mentioned in this Act shall not in any case exceed in amount Thirty-two Thousand Dollars (\$32,000.00.)

Board to
Adopt Plans
and Specifica-
tions, Adver-
tise for Bids,
Bond of Bid-
der.

SECTION 2. The Board of Regents shall after the passage and approval of this Act, adopt plans and specifications for such buildings, and upon the adoption of such plans and specifications for such buildings, shall advertise for bids for the construction of such buildings, and shall let the construction of same to the lowest responsible bidder; *Provided*, That the Board of Regents may, in its discretion, let contracts for such buildings all to one party, or different buildings to different parties, or different parts of the work to different parties, as the said board shall find most expedient. *And, Provided further*, That no contract so made shall be of any force or effect until the person or persons entering into the same shall have given an obligation in at least double the amount to be paid under said contract, with sureties to be approved by the board, for the faithful performance of his con-

tract by such contractor and full payment for all labor and material furnished in the construction of said building or buildings.

SECTION 3. The Board of Regents is hereby authorized to employ a superintendent of construction for such buildings, who shall be a practical builder and mechanic, who shall have personal charge and supervision of the contractors on the work under the direction of the Board of Regents, and whose duty it shall be to see that each contractor performs his work in full compliance with the plan and specifications adopted by the Board of Regents, and said board shall have power to discharge any such superintendent and employ a successor thereto. The superintendent of construction to be paid not exceeding three (\$3.00) dollars per day for his services by warrants drawn on the fund herein provided.

Superintendent of Construction,
Duties of,
Compensation.

SECTION 4. No payment shall be made or warrants drawn in favor of any contractor for or upon account of any work done under any contract let under and by virtue of this Act, except upon the certificate of the superintendent of construction, and upon sworn vouchers filed with and approved by the Board of Regents, and sworn voucher shall be required by the Board of Regents for all payments made under and in pursuance of this Act.

Payments,
How Made.

SECTION 5. For the purpose of paying for the buildings provided for herein there is hereby levied upon all the taxable property of the Territory a tax of three-tenths mills on the dollar for the year 1901 and a tax of two-tenths mills on the dollar for the year 1902, the same to be levied upon the property of the Territory for the years 1901 and 1902. The fund derived from such taxes shall be known as the "Colored Agricultural and Normal University Building Fund," and shall be available and used by the Board of Regents only for the purpose of con-

Tax Levy.

structing such buildings and for the other purposes mentioned in Section 1, of this Act; and all funds arising from said tax levy under the provisions of this Act are hereby appropriated to said purposes.

Funds Arising
From Levy,
How Paid
Out.

SECTION 6. Funds arising from the levy provided for in this Act shall be paid out of the Territorial Treasury upon warrants drawn by the Territorial Auditor, upon sworn vouchers therefor, and upon the certificate therefor signed by the president of the Board of Regents attested under the hand and official seal of said board.

SECTION 7. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 2.—UNIVERSITY OF OKLAHOMA.

SECTION.

1. Board of Regents, Authorized to Contract for Additional Buildings.
2. Adopt Plans and Specifications; Advertise for Bids; Contractor to Give Bond.
3. Superintendent of Construction, Duties of, Compensation

SECTION.

4. Payments, How Made.
5. Levy, for What Purpose Used; City of Norman to Furnish Site; Limitation.
6. No Obligation to Attach to the Territory Above Levy Provided for.

AN ACT to Authorize the Construction of Additional Buildings for the University of Oklahoma.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

Board of
Regents,
Authorized to
Contract for
Additional
Buildings.

SECTION 1. The Board of Regents of the University of Oklahoma is hereby authorized to contract, under the terms of this Act, for the construction of one large college building and a central light and heating plant and a building for the same, and a gymnasium building, and for the purchase of furniture, machinery and apparatus to equip such buildings for the purposes of the university, *Provided*, That such board shall only have power to contract for buildings to an amount not exceeding in the aggregate the

amount to be levied under the provisions of this Act, based upon the last assessment of taxable property of said Territory for county and Territorial purposes which shall precede the making of such contracts.

SECTION 2. The Board of Regents shall, after the passage and approval of this Act, adopt plans and specifications for such buildings, and upon the adoption of such plans and specifications for such buildings, shall advertise for bids for the construction of the same, and shall let the construction of such buildings to the lowest responsible bidder; *Provided*, That the Board of Regents may, in its discretion, let contracts for such buildings all to one party, or different buildings to different parties, or different parts of the work to different parties, as the Board of Regents shall find most expedient; *Provided*, That no contract so made shall be of any force or effect until the person or persons entering into the same shall have given an obligation in at least double the amount to be paid thereunder, with sureties to be approved by the said board, for the faithful performance of his contract by such contractor and full payment for all labor and materials furnished in such building.

Adopt Plans
and Specifi-
cations, Adver-
tise for Bids,
Contractor to
Give Bond.

SECTION 3. The Board of Regents is hereby authorized to employ a superintendent of construction for such buildings, who shall be a practical builder and mechanic, and who shall have personal charge and supervision of the contractors on the work under the direction of the Board of Regents, and whose duty it shall be to see that each contractor performs his work in full compliance with the plans and specifications adopted by the Board of Regents, and shall have power to discharge any such superintendent and employ a successor thereto, the superintendent of construction to be paid by warrants drawn on the fund herein provided.

Superinten-
dent of Con-
struction,
Duties of,
Compensa-
tion.

Payments,
How Made.

SECTION 4. No payment shall be made or warrants drawn in favor of any contractor for or upon account of any work done under any contract let under and by virtue of this Act, except upon the certificate of the superintendent of construction, and upon vouchers filed with and approved by the Board of Regents, and vouchers shall be required by the Board of Regents for all payments made under and in pursuance of this Act.

Levy, for
What Purpose
Used; City of
Norman to
Furnish Site,
Limitation.

SECTION 5. For the purpose of paying for the building provided for herein there is hereby levied upon all the taxable property of the Territory a tax of seven-tenths of one mill on the dollar each year for two years, the same to be levied upon property of the Territory for the years 1901 and 1902. The fund derived from such taxes shall be known as the "University Building Fund," and shall be available and used by the Board of Regents only for the purpose of constructing such buildings and procuring the necessary machinery for heating and lighting the same, and for remodeling and repairing the present university building, and the purchase of the necessary furniture and appliances to equip such buildings for the purpose of the university; *Provided*, That the Board of Regents may purchase for the University, twenty acres of land lying contiguous to the present university grounds, the citizens of Norman to furnish to the Board of Regents the necessary funds with which to pay for the same; *Provided*, That in case the Board of Regents cannot purchase such land they are hereby authorized to condemn the same in the same manner as lands are condemned for the use of railways under the terms of Article 9, Chapter 17, of the Statutes of Oklahoma, 1893; the citizens of Norman to furnish to the university all necessary funds to make deposits under said law, and to guarantee to the satisfaction of the Board of Regents the

payment of all condemnation money, judgments and costs that may be rendered in any such proceedings. *Provided, further,* That the aggregate costs of the construction of buildings and improvements and all expenses connected with the same, authorized by this Act shall not exceed the sum of Ninety Thousand Dollars.

SECTION 6. No contracts hereunder made by the Board of Regents under the authority of this Act, shall fix upon the Territory any obligation or liability whatsoever other than the faithful application of the proceeds of the levy herein provided for to the payment of warrants drawn against said University Building Fund under the terms of this Act; and all payments under the terms of this Act provided to be made by the Board of Regents shall be by warrants drawn upon said University Building Fund, and shall state upon their face that they are only a charge against the levy herein provided for.

No obligation
to Attach to
the Territory
Above Levy
Provided for.

SECTION 7. This Act shall take effect and be in force from and after its passage and approval.

Approved this 8th day of March, 1901.

ARTICLE 3.—AGRICULTURAL AND MECHANICAL COLLEGE AT STILLWATER.

SECTION.

1. Board of Regents to Contract for Additional Buildings; Limitation.
2. To Adopt Plans and Specifications; Advertise for Bids; Contractor's Bond.

SECTION.

3. Superintendent of Construction, Duties of; Compensation.
4. Payments, How Made.
5. Levy, How Made.
6. Warrants, How Drawn.

AN ACT to Authorize the Construction of Additional Buildings for the Agricultural and Mechanical College of Oklahoma Territory at Stillwater.

Be it Enacted by the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. The Board of Regents of the Agricultural and Mechanical College and Experiment Sta-

Board of
Regents to
Contract for
Additional
Buildings;
Limitation.

tion of Oklahoma Territory at Stillwater is hereby authorized to contract, under the terms of this Act, for the construction of an assembly hall and quarters for the departments of botany and entomology, the same to be an addition to the library building already constructed, and a sum not exceeding fifty per centum of the amount realized from the tax levy hereinafter provided for shall be expended for such purpose; a sum not exceeding thirty per centum of the amount realized from such levy shall be expended in constructing an engineering building; and a sum not exceeding ten per centum of the amount realized from such levy shall be expended in the construction of a smoke stack and a boiler house and in centralizing the heating system; and a sum not exceeding ten per centum of the amount realized from said levy shall be expended in the construction of a barn on the college farm. The sums provided for the construction of the buildings mentioned shall also cover the installation of heating and lighting systems and of necessary furniture; *Provided*, That such Board shall not have power to contract for buildings or other things authorized by this Act to an amount exceeding in the aggregate the amount to be levied, based upon the last assessment of taxable property of said Territory for county and Territorial purposes which shall precede the making of such contracts. *And, Provided further*, That the total amount expended for buildings and all other purposes authorized by this Act shall not in any case exceed the sum of Forty-six Thousand Dollars; *And, Provided further*, That any casual balance that may remain unexpended shall be used for the repair of existing buildings owned by the college and for the construction of fences on the college farm.

To Adopt
Plans and
Specifications;
Advertise for
Bids; Con-
tractor's Bond.

SECTION 2. The Board of Regents shall, after the passage and approval of this Act, adopt plans and specifications for such buildings, and upon the adop-

tion of such plans and specifications for such buildings, shall advertise for bids for the construction of such buildings and shall let the construction of the same to the lowest responsible bidder; *Provided*, That the Board of Regents may, in its discretion, let contracts for such buildings all to one party, or different buildings to different parties, or different parts of the work to different parties, as the said board shall find most expedient. *And, Provided further*, That no contract so made shall be of any force or effect until the person or persons entering into the same shall have given an obligation in at least double the amount to be paid under said contract, with sureties to be approved by the said board, for the faithful performance of his contract by such contractor and full payment for all labor and material furnished in the construction of said building or buildings.

SECTION 3. The Board of Regents is hereby authorized to employ a superintendent of construction for such buildings, who shall be a practical builder and mechanic and who shall have personal charge and supervision of the contractors on the work under the direction of the Board of Regents, and whose duty it shall be to see that each contractor performs his work in full compliance with the plans and specifications adopted by the Board of Regents, and said board shall have power to discharge any such superintendent and employ a successor thereto. The superintendent of construction to be paid not exceeding three dollars (\$3.00) per day for his services, by warrants drawn on the fund herein provided.

Superintendent of Construction. Duties of; Compensation.

SECTION 4. No payment shall be made or warrants drawn in favor of any contractor for or upon account of any work done under any contract let under and by virtue of this Act, except upon the certificate of the superintendent of construction, and upon sworn vouchers filed with and approved by the Board of

Payments. How Made.

Regents, and sworn vouchers shall be required by the Board of Regents for all payments made under and in pursuance of this Act.

Levy.
How Made.

SECTION 5. For the purpose of paying for the buildings provided for herein there is hereby levied upon all the taxable property of the Territory a tax of three-tenths (3-10) of one mill on the dollar for the year 1901, and a tax of four-tenths (4-10) of one mill on the dollar for the year 1902. The fund derived from such taxes shall be known as the "Agricultural and Mechanical College Building Fund," and shall be available and used by the Board of Regents only for the purpose of constructing such buildings and for the other purposes mentioned in Section One of this Act; and all funds arising from said tax levy under the provisions of this Act are hereby appropriated to said purposes.

Warrants.
How Drawn.

SECTION 6. Funds arising from the levy provided for in this Act shall be paid out of the Territorial Treasury upon warrants drawn by the Territorial Auditor, upon sworn vouchers therefor and upon the certificate therefor signed by the President of the Board of Regents attested under the hand and official seal of said board.

SECTION 7. This Act shall take effect and be in force from and after its passage and approval.

Resolutions and Memorials.

COUNCIL JOINT MEMORIAL No. 1.

Your Memorialists, The Sixth Legislative Assembly of the Territory of Oklahoma, would respectfully represent that citizens of Oklahoma and Indian Territory to-wit: A. J. Mathis, M. S. Ballard, Sam V. Pryor, Bert Ivanhoe and H. C. Roper, have been convicted in the United States court at Muskogee, I. T., and are now serving sentences in the penitentiary at Fort Leavenworth, Kansas, and at Columbus, Ohio, for complicity in kidnapping two Seminole Indians who had murdered and brutally defiled and outraged the lifeless body of Mrs. Leard, a white woman of spotless character, a mother of five children and soon to become mother of another. That from reliable information we believe these men were but constructively guilty and with one exception, their convictions were as accessories only.

Your Memorialists would respectfully call Your Excellency's attention to a principle derived from the very well-springs of truth, accepted in every phase of society, embodied in codes of criminal and civil procedure, viz: That the circumstances connected with the commission of an offense, mitigating or otherwise, should be considered in all phases of judgment and penalty.

We ask that in the consideration of these cases a just measure be applied and that when it be found that a whole community was frenzied and grief stricken, the surrounding country wrought up likewise, by the cruel, wanton slaughter of womanhood, maternity and infancy, the defiling of a lifeless mother in the presence of her little children and leaving it upon the freezing ground, a prey of hogs,

which mangled it beyond recognition before human hand could rescue the remains; and when it is made clearly to appear that these men are not of the criminal class and did not act as criminals, but as defenders of the mothers, wives, daughters and unborn babes of our land, Your Memorialists trusting Your Excellency will believe as we do that said persons have been abundantly punished and the majesty of the law fully vindicated do most sincerely ask that your Excellency do pardon and restore to their families and to citizenship the persons whose names are above set forth.

Approved this 5th day of March, 1901.

COUNCIL JOINT MEMORIAL NO. 2.

We, the members of the Council and the House of Representatives of the Sixth Legislative Assembly of the Territory of Oklahoma, do most respectfully and earnestly pray, petition and memorialize you and your honorable bodies to grant to this Territory and its people at the earliest possible moment the high privileges of a sovereign state in the American Union.

We represent a constituency of nearly half a million people, increasing with unexampled rapidity, who inhabit nearly 40,000 square miles of fertile soil and who own \$150,000,000 of wealth produced in a single decade from the wild prairie and the wilderness. In all its possible lines they stand at the very front of modern civilization. They have built and are supporting more than two thousand common schools; six great institutions of learning; and more churches according to population and wealth than elsewhere in the world. They are a law-abiding and a law-enforcing people. In educational, moral and re-

ligious life; in material resources; in population and wealth; in energy, enterprise and accomplishment; in all the high ideals of honorable living, in patriotism and the staunch elements of America's best citizenship, they are as unsurpassed as they have proved themselves unrivalled in their capacities for self-government and in their culture and refinement.

We submit to the judgment of a candid world that such a people ought not to be longer held in political subjection, but are and of right ought to be entitled to immediate admission into the American Union as a sovereign state. We would further call your respectful attention to the Indian Territory lying upon our eastern borders. Its natural resources are supplemental to those of Oklahoma. The abnormal conditions there existing as to title and tenure of lands, of citizenship and of social conditions are being rapidly composed to the American idea, and the law by slow and painful experience is learning to assert its power and to subserve public and individual rights. But 350,000 white and black American citizens are there existing without any political privileges, without local self-government, mere tenants at will and peasants of the soil to 70,000 persons of Indian extraction. They can build neither roads nor bridges, neither schools nor higher institutions of learning, neither asylums for the unfortunate nor refuges for the poor. The individual is all, the community is nothing. They cannot protect their cities against fire, nor themselves against public epidemic or contagion. Such conditions are so contrary to the very genius and vitality of the American standards that their continuance is not only unjust to the people immediately suffering them but menacing to their political neighbors and to the nation itself. We believe that immediate relief should be had by them; and if in your wisdom Oklahoma alone is not entitled

to Statehood, we urge the immediate admission into the Federal Union of both such Territories as one single State.

We are not unmindful of the treaty obligations of the United States to the Five Civilized Tribes, and would not seek their violation. Let them be sacredly observed. But we most solemnly assert that the various boards and agencies of the Federal government can proceed after the political privileges of citizenship and the inestimable right of local self-government are secured to the American citizens resident there, quite as well as if the present conditions of tenantry and political obliteration shall continue indefinitely.

From the foregoing considerations, we therefore most solemnly pray, petition and memorialize you and your respective bodies to grant to the people of Oklahoma and the Indian Territory with one government, immediate Statehood under such conditions as in your wisdom will best subserve the present and future welfare and prosperity of the State you shall thus create and admit into the Federal Union.

Approved this 8th day of March, 1901.

HOUSE CONCURRENT RESOLUTION No. 1.

Be it Resolved by the Legislative Assembly of the Territory of Oklahoma:

Whereas, The Abbey of Sacred Heart in Oklahoma, the oldest and most prominent landmark of civilization in the formerly "Great American Desert," was recently destroyed by fire, and beside the total loss of the buildings valued at \$140,000 the library which contained many ancient and very valuable books and manuscripts were irreparably lost. Therefore be it

Resolved, by the House of Representatives, the Council concurring therein; that the sincere sym-

pathy of our respective Houses are hereby extended to the Benedictine Brethren of Sacred Heart in their severe visitation and loss.

Approved this 19th day of February, 1901.

HOUSE CONCURRENT RESOLUTION NO. 2.

Whereas, The United States has sold and disposed of all the land except two sections of the Fort Supply abandoned military reservation; and,

Whereas, there are upon said remaining two sections many and valuable buildings which would be useful to Oklahoma Territory if the said two sections and buildings were the property of said Territory; and,

Whereas, the said buildings are not being used and are unkept, uncared for and decaying; be it therefore,

Resolved, That the Sixth Legislative Assembly of the Territory of Oklahoma do hereby memorialize and petition the Congress of the United States that it provide by necessary legislation for the granting to the Territory of Oklahoma of the remaining two sections hereinbefore mentioned;

Resolved, That a copy of these resolutions be transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to the Secretary of the Interior, and to the Hon. Dennis T. Flynn, our delegate in Congress.

Approved this 9th day of February, 1901.

HOUSE CONCURRENT RESOLUTION NO. 3.

Whereas, The selection of large quantities of school land in one body is at variance with the long estab-

lished practice of the government; detrimental to the best interests of society in the vicinity of said lands; unjust to the county in which said lands are located; creates a community of tenants without sufficient taxable property to enable the people to provide adequate schools and make necessary public improvements; and

Whereas, About 101,188 acres of land was selected by the Territory of Oklahoma out of the Kickapoo Indian reservation in the counties of Lincoln, Oklahoma and Pottawatomie, as indemnity for other lands in certain Indian reservations, and are now under the authority of Congress leased in quarter section tracts for farming and grazing purposes, therefore be it

Resolved, By the Council of the Sixth Legislative Assembly of the Territory of Oklahoma, the House of Representatives concurring therein, that the Congress of the United States is hereby memorialized to enact some law by which the lessees of said lands may be authorized to purchase the same at an appraised value, and the funds derived from the sale thereof be reserved as a part of the common school fund of the future State of Oklahoma. And be it further

Resolved, That a copy of these resolutions be forwarded to the Hon. D. T. Flynn, our delegate in Congress, and he is requested to present the same to the House of Representatives.

Approved this 6th day of March, 1901.

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